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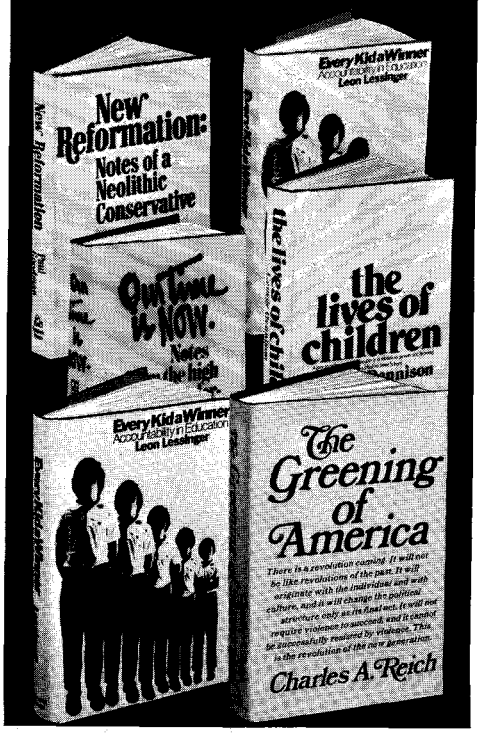

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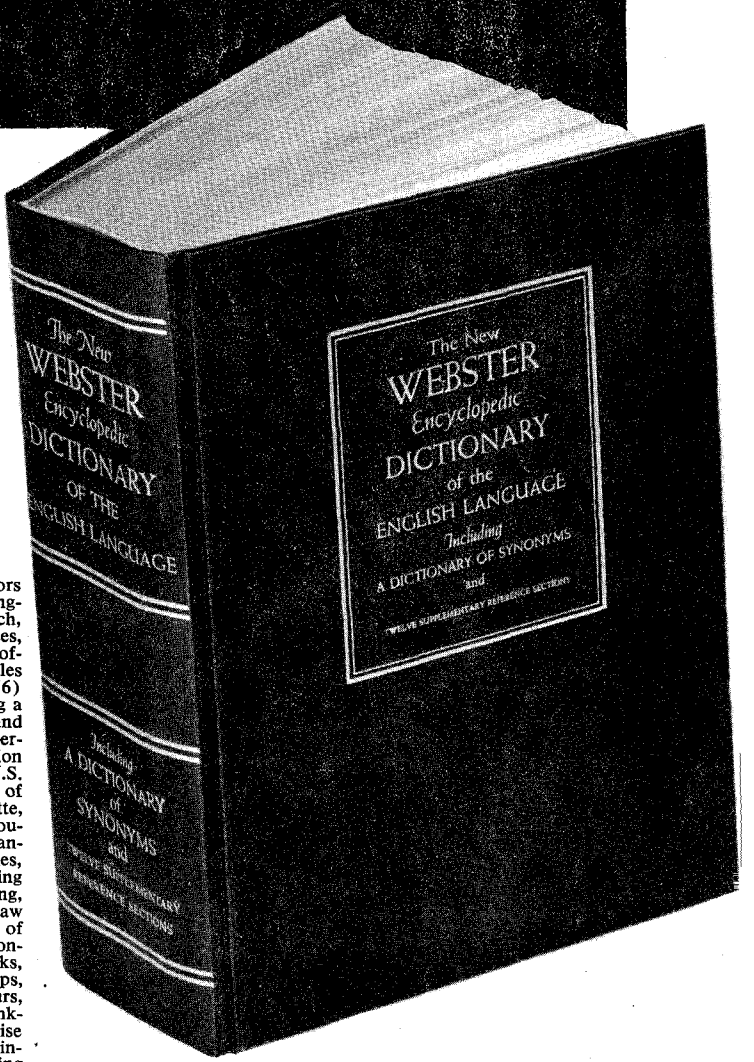

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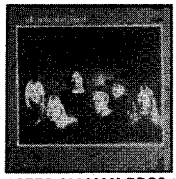

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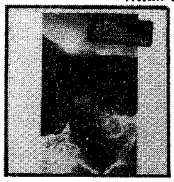

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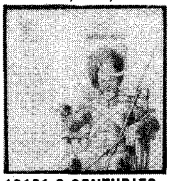

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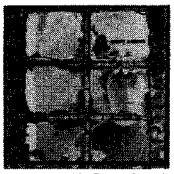

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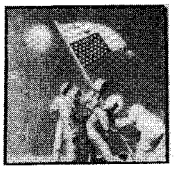

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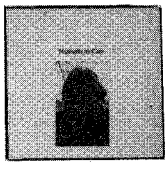

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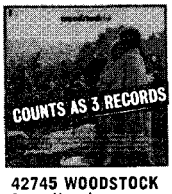

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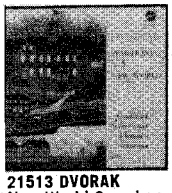

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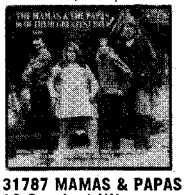

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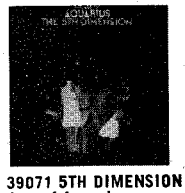

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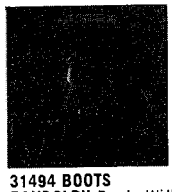

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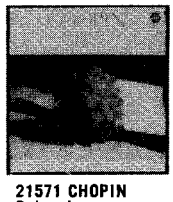

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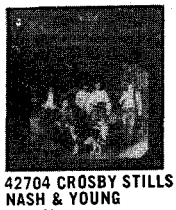

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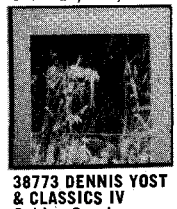

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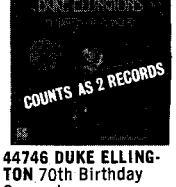

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Turning a Deaf Ear

"Ron," asked a reporter of press secretary Ronald Ziegler the other day at a White House briefing, "is there any explanation why the President has been unable to see them [12 black congressmen boycotting the State of the Union message] in the one-year period?"

"I have no comment on that at this time," said Ziegler.

One man in 10 in America is black and there are over 11 million eligible to vote. There are 12 Negroes in the House – all Democrats. A year ago they requested an audience with Mr. Nixon – no reply till April 20, and then from an underling. They tried again in August with no better luck.

"Are requests like that frequently turned down?" asked the reporter. "Is this an isolated case? All congressmen apparently don't get to see the President when they ask?"

Ziegler: "The President sees many congressmen and he also sees – has seen – many leaders of the black community. But I have no comment on your specific question as it was put."

"Has he turned down any other groups of congressmen?"

Ziegler: "I have no comment to your question as put."

Second reporter: "Ron, does he have any plans to see those 12? I am asking because the way you answer suggests if the question were put in another way maybe you would have a comment?".

Ziegler: "The President has seen many congressmen in the past and will continue to do so as we move along. But I have no further comment."

Third reporter: "Has he responded to them in any way, as to why he can't accept their petition?"

Ziegler: "I am sorry, I am just not prepared to comment on this matter at this time."

Question: "Is the President going to hold a news conference at which we could ask this question?"

Ziegler listened to the question, said nothing, and turned in another direction to recognize another questioner.

The episode tells a lot about the Administration. For gaucherie it goes back to Herbert Hoover. There is no reason that it should have happened. Mr. Nixon could see the 12 congressmen as easily as not. Even though they are politicians, they won't bite.

Reporters can't ask the President directly. Mr. Nixon has had fewer press conferences than any President in 40 years. Former Interior Secretary Hickel complained that even he couldn't see him (and is now out of office). More and more it is the White House staff that runs things, not the Cabinet.

"Who's in Charge?" asked a *Wall Street Journal* headline, Nov. 20; "Coming Cabinet Moves Point Up Big Decline of Secretaries' Role." It meant that the staff around Mr. Nixon is cut off, much as Mr. Nixon is cut off from questions by his all but discontinuance of press conferences. Take an example: William Rogers, Secretary of State, goes up on the Hill to answer senatorial questions on Vietnam; but the real policy maker, Kissinger, doesn't get questioned. He's invulnerable as a member of the staff.

Mr. Nixon's alienation from the blacks is bad for everybody – for him, for them, for the nation. In September 1969 the US Commission on Civil Rights under Father Hesburgh said flatly that the Administration had chosen the wrong policy for school desegregation, had pursued even that policy in a way to produce a "major retreat."

Last June chairman Bishop Spottswood of the racially moderate NAACP told the annual convention, "This is the first time since 1920 that the national Administration has made it a matter of calculated policy to work against the needs and aspirations of the largest minority of its citizens."

In fairness it should be said that the Administration at once vehemently denied this. Also that able Senator Brooke (D) of Massachusetts, did not join fellow blacks in the House in asking for an audience, and is a loyal party supporter. The Administration is not malevolent; look at its radical income-maintenance–welfare program. Rep. Wilbur Mills should get this hopeful plan through the House in March; if it clears the Senate it could ultimately aid the poor enormously, including black ghettos.

But Mr. Nixon is ambivalent. He worries about George Wallace and the white South. He is surrounded by staff yes-men. He is isolated. And like Herbert Hoover, he lacks the politician's convincing smile and easy charm that could prevent preposterous episodes like this: the charge, like a festering splinter, that he won't see a delegation of elected congressmen who are black.

Notes: At one time last week every resource of American news dissemination was focused on three men going to the moon, and all the resources of American news coverage were embargoed on latest developments in Vietnam-Laos. As to the latter, Gallup reports that 73 percent of American voters now support congressional action to withdraw US troops by the end of the year (one-third more than supported it only last September), while a Harris survey says Muskie leads Nixon 43 percent to 40 percent, with Wallace getting 11 percent.

These samples strengthen a growing belief that pulling out of Vietnam may not aid Mr. Nixon much politically. We think the average citizen is so far ahead of timorous politicians that it is becoming a powerful negative factor: Mr. Nixon will defeat himself if he *doesn't* pull out, and if he *does* people will just say, "About time – that's what any sensible man would do," and go on to some other issue.

The chief issue, we guess, will be economic. Mr. Nixon is trying to talk us back to prosperity and this is more sensible than it sounds. There is a lot of congealed spending power and investment capital lying around if only Mr. Nixon can restore confidence. (The savings rate for the nation last year was 7.3 percent instead of 6 percent in 1969 – a little matter of $13 billion!) It will come out, and be spent, and start wheels whirring, if people get good news – ending the war, say. Mr. Nixon is trying to wheedle it out now. Or let's be romantic: unspent savings is Sleeping Beauty, and our Dick is the Handsome Prince, waiting with hot kisses. Dreamy, we call it.

The New Republic is published 48 weeks per year at $12, by Harrison-Blaine of New Jersey Inc., 1244 19th St., N.W., Washington, D.C. 20036. Second-class postage paid at Washington, D.C. and at additional mailing offices.

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THE NEW REPUBLIC *A Journal of Politics and the Arts, Vol. 164, No. 7, Issue 2929, February 13, 1971. Published weekly (48 issues a year) and distributed by* The New Republic, *1244 19th St., N.W., Washington, D.C. 20036. Phone FEderal 8-2494. Single copy 50c. Yearly subscription $12; Foreign $13; Armed Forces personnel or students, $6; Send all remittances and correspondence about subscriptions, undelivered copies, and changes of address to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43302.* *Copyright© 1970 by Harrison-Blaine of New Jersey, Inc.**Item g. Second Class Postage Paid at Washington, D. C. Indexed in Readers' Guide.*

Contents

9-12 Comment
The Movable War; Well-Oiled; Promises, Promises; Electing a President
13 The Nixon Watch: The Poor Betrayed – *John Osborne*
15 Hunting Scapegoats in Kentucky – *Robert Cassidy*
16 Better than Revenue Sharing – *Melville J. Ulmer*
19 Flying the American Way – *Robert Fink*
23 Feiffer
24 Films – *Stanley Kauffmann*
25 Books – Reviews by *Reed Whittemore, John Seelye, Peter Passell and Leonard Ross, Jonathan Yardley, Lionel Tiger*
32 Television – *Sedulus*
33 Correspondence

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The Movable War

Additional aid is being rushed to Laos; that was the news from Washington on August 26, 1959. It still is. The war doesn't wind down, it widens. "The American presence in the Southeast Asian area is going to be large for some time to come," says Admiral Sharp. Does that include combat responsibilities? "We are not prepared to say," replies the President's press secretary, Mr. Ziegler. The Secretary of Defense *is* prepared to say: our combat responsibilities will be over by midsummer; however, 284,000 American troops will remain in Vietnam, of whom 40 to 60 percent will be "combat forces." And they "are not going to be sitting around the fences," Mr. Laird adds. "They are going to have the role of protection, and they will go out on missions that are needed. . . . They will be combat troops and combat forces." What about Cambodia? "We don't intend to become involved militarily in the support of the Lon Nol government," says the Secretary of State; there will be "no US air or logistics support to South Vietnam operating in Cambodia," says Mr. Nixon. Truth be damned. As a ranking military information officer told the Saigon correspondent of the *Baltimore Sun* last week: "When an Administration replaces prompt and full disclosure – as much as is allowed by military security – with a policy of duplicity, well, you have to recall a few civics lessons and, if you're a good soldier, swallow hard."

The emerging Nixon strategy runs like this: On or about April 15, the President will announce another force reduction in Vietnam. Similar announcements will continue at intervals until the '72 election with the Administration "meeting" its own deadline each time, to create the impression that it is getting out ahead of schedule. American combat deaths (about 50,000 to date) will be lowered to pre-buildup levels. That's Phase I. In Phase II, combat and support roles will be turned over bit by bit to the South Vietnamese, accompanied by predictable publicity, and at the extreme end of Phase II, which may not come until shortly before the elections – if then – all US ground combat troops will be withdrawn, except for several air mobile brigades from the First Cavalry division, and the 173rd Airborne. The President will claim these troops are there in a "security role," to protect American lives, but the first two fire brigades – six or seven thousand men – will be used to help out South Vietnamese units in

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the II and III corps areas. Phase III, which will leave 50,000 "advisers" in Vietnam indefinitely, is so distant as to make speculation worthless.

It is not easy to see what the Administration is doing or why it's doing it, for the eye is constantly distracted by semantic legerdemain. But essentially the President's policy appears to be grounded on two simple notions. The first is an old Goldwater favorite – Victory Through Airpower. "As long as I am serving in this job," Secretary Laird said on January 20, "I will recommend that we use air power to supplement the South Vietnamese forces, as far as their air campaigns in South Vietnam, Laos and Cambodia is concerned." We have now dropped more bombs on Indochina than the allies dropped on Nazi Germany in World War II. We intend to go on bombing, calling it interdiction, logistic support, protective retaliation or something else dreamed up in the Pentagon. US air power will be buttressed by a 1200-plane South Vietnamese Air Force, scheduled to be ready within a year, which is more combat aircraft than the French or British have.

The second Nixon notion is that the United States should help Asians fight Asians. How long the Asians will continue to cooperate is a matter of conjecture. One hundred and seventeen thousand of "our" Asians have been killed so far (civilians not included); and 690,400 of "their" Asians are said to have been killed. The proper name of this strategy is Vietnamization, or in Mr. Laird's phrase, the "substitution of American assistance for American manpower"; or in the latest terminology, the "policy of partnership." Asians do the dying, and America delivers the wherewithal.

If you were observing this from some far off place, say the moon, the question that would instantly leap to mind is: why hasn't the Congress of the United States, which at any moment could put a stop to the longest war in our history, told the President to "go soak his head," in the fine phrase of Lyndon Johnson's former press secretary? It hasn't told him to go soak his head because the Congress, like most of its constituents, long ago formed the habit of accepting almost anything if it's advertised as a communism container. And when the public begins to be disturbed by what is being done in its name (and at its grievous expense), it is pacified by narcotic reassurances, the latest of which is that the war is being wound down. Senators McGovern, Hatfield, Hughes and Cranston and 17 of their colleagues (but not Humphrey or Muskie, or Aiken or Cooper) are asking for "the safe and systematic withdrawal of all American armed forces – land, sea and air; combat and supportive – from Cambodia, Laos and Vietnam according to a publicly announced timetable; total withdrawal to be completed by December 31, 1971." The majority of their colleagues wish the 21 senators would shut up and leave the war to the President. He may move it to Laos, back to Cambodia, or across the DMZ. We won't know until he has done it. There's an embargo on news, and on sanity, too.

Well-Oiled

Testifying before the Senate Finance Committee that was considering his nomination as Secretary of the Treasury, John Connally conceded last week that he received about $450,000 from the Richardson Foundation when he was also Governor of Texas between 1963 and 1968, a fact that had heretofore been concealed from the voters of his state.

Early in the 1950s, Connally went on the payroll of the big Texas oil man, Sid Richardson of Fort Worth. In 1959, when Richardson died, Connally became one of the three independent co-executors for Richardson's estate, on which the federal government set a gross valuation of $105 million.

As President Kennedy's nominee for Secretary of the Navy in 1961, Connally had assured senators that he would not receive any fees from this estate while in government service. Obviously, he huffed and puffed last week, he had meant when he was Navy Secretary.

Sworn in as governor in 1963, he became subject to a provision in the Texas constitution that prohibits the governor from receiving money from any person or corporation for services rendered when he is governor or to be rendered afterwards. Because of this provision, the *Texas Observer* asked him, when he was running for reelection in 1964, if he had received any funds from the Richardson estate while he was governor. His press secretary, George Christian, replied by quoting Connally directly as saying, "I have performed no services or received any compensation" while governor. The *Observer* tried to learn whether Connally was still an executor of the estate, but the governor's office had no further information to offer. Again in 1968 the *Observer* quoted Connally as saying that he had received no income as governor from the Richardson estate.

The day before the Senate confirmation hearing last week, *The New York Times* revealed, from IRS records filed in 1966, that Connally had been receiving money while governor, not from the estate but from the Richardson Foundation, and not for current services rendered, but in payment of a debt. That forced Connally into the open with some fascinating information.

He returned to the Senate Finance Committee and said that the work of the estate's co-executors was substantially finished in the 15 months after Richardson's death. He said the matter was actually closed out in January, 1962, when, in accordance with the late oil man's will, the assets and liabilities of the estate were transferred to the Richardson Foundation. He told the senators that it was agreed he would receive $750,000 for his services to the estate, and that the payment of this sum would be stretched out for a number of years at no more than 15 percent of it a year to lessen the tax impact on him. He testified that he received $75,000 a year from the Richardson Foundation, in payment of

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the estate's debt to him, during each of the "six or seven years" ending in 1969.

Observe the exact nature of the deception he had practiced on the one Texas paper that had asked for the facts. His thinking may have run like this: 'Well, technically I have not been getting that $75,000 a year from the estate, but rather from the Foundation in payment of the debt of the estate, so I'll just answer no.'

At his first appearance before the Senate Finance Committee, Connally had crowed that although he was said to have "vast wealth" in oil and gas, his total holdings in that commodity "reached the magnificent sum of $7240." Quite so, and quite misleading. Five days later he was having to admit that he had received three-quarters of a million dollars for services rendered to oil man Richardson's estate. Now his line became, "I don't go around, senators, bragging about it." What he *has* gone around doing, is hiding it.

Connally told the senators he could have stayed on as executor and earned another $400,000 or $500,000 in fees. Perhaps he could have, but only by wholly liquidating Richardson's estate before transferring it to the Foundation. Under Texas law, an executor may take only five percent of monies received by the estate, and five percent of monies disbursed. He cannot automatically take five percent of the gross estate, and he cannot take five percent of the corpus of the estate that is passed on (without any turnover in its form) to the heirs or devisees, such as the Richardson Foundation in this case. Yet here we have Connally telling the senators, "I never said until today I took $400,000 or $500,000 less in order to serve my country." Connally led the senators to assume that he could easily have made much more out of the estate. The question is how he made so much so easily.

He and his two co-executors, by his own testimony, agreed to pay him $750,000 for work he says was substantially finished in 15 months. That is $50,000 a month, $600,000 a year. This was an incredible estate, but that is an incredible rate of pay. What actual work did Connally do to earn this $2400 a day every day for 15 months? (We assume he worked a five-day week and took two-and-a-half weeks' vacation.) The senators should find this out, if only to inform the people about how riches came to the man who now testifies that Nixon's national sales tax (the value-added-by-manufacture tax) will be just fine, since everybody down to and including the poorest citizen should "contribute" to the government.

The terms of Richardson's will specified that the three executors' compensation was to be divided among them "as they may in writing agree from time to time in advance." Last week Sen. Fred Harris requested, and Connally later supplied, a letter he wrote in 1961 setting forth the terms of his agreement with the other executors. It indicates Connally received a total of $175,000 in Richardson money between 1959 and 1962, the year he ran for governor. While he was governor, Connally received an additional $575,000 ($125,000 more than he had originally remembered before the committee).

There is no showing that Connally behaved illegally, and his explanation, belated though it is, appears to get him through the one open hatch in the Texas constitutional prohibition. But under the circumstances the Senate would be wise to take as long as necessary to satisfy itself fully. Certainly it is germane to evaluating Connally as a Secretary of the Treasury, dominating the government; oil taxation and oil import policies, that the bulk of his personal fortune, and the basis of it, came from a huge oil-based estate.

Promises, Promises

The highly optimistic tone of the President's economic message, and that of the accompanying report of his economic advisers, was not a complete surprise. Mr. Nixon's pronouncements on the economy when he took office in January 1969, and again in his annual message of January, 1970, were just as cheery. There were obstacles ahead, but skillful administration and faith in the benign forces of the market place would surmount them. Inflation would subside and unemployment would be low or would soon become so.

An overly sanguine estimate of future dividends is scarcely uncommon among politicians, especially Presidents. What is extraordinary in recent experience is the magnitude of the discrepancy, both in 1969 and 1970, between what President Nixon said would happen and what did. Last year the rise in unemployment was more than twice as great as the Administration publicly anticipated, and the diminution of inflation was so small that it could be observed only by White House advisers. All of which makes us skeptical of the current prediction: that the gross national product will rise by 12 percent from the end of 1970 to the end of 1971; that by mid-1972 unemployment will drop from its present level of 6 percent to 4½ percent of the labor force; that over the same period the rate of inflation will drop from 6 to 3 percent.

Nearly all economists outside the government who are experts in such things predict a modest advance in the GNP, but one that falls far short of the government's forecast. The economic report presents no plans, data, or analyses that were not available to outside economists; it simply asserts that its own figure "seems more likely." Less credible, and equally unsupported, is the predicted docile behavior of the price level, which the report expect, will accompany a vigorous business expansion. It is this portion of the economic report that is most depressing to anyone who hopes that at long last some bold innovation and

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planning will be substituted for wishful thinking.

For it is the implacable (though not strictly predictable) trade-off between unemployment and inflation that has haunted economic policy over the last two years and has importuned previous Administrations as well. How can we lift the economy to a full-employment level, and keep it there, without provoking intolerable inflation? The answer, when it comes, will include new and untried measures, because the old ones have failed. There are no policy innovations in the President's message or in his advisers' report.

The Administration's predicted GNP of $1065 billion for this year is not impossible, but if it is achieved there is little likelihood that inflation will be any less than it is now and an excellent chance that it will be greater. There is also a possibility that in coming months the price rise may be retarded, but if so, any advance in business activity would have to be muted, given the Administration's conservative approach to the stabilization dilemma. In the latter event the present 6 percent level of unemployment would not be reduced much. Unless Congress intervenes, what seems most probable is some fiscal and monetary step-up in 1972 to brighten the picture, some declining unemployment but accelerating prices.

Electing a President

The 91st Congress ended without taking any action on electoral reform. Meanwhile, George Wallace is governor of Alabama again. He doesn't think that Richard Nixon or even Spiro Agnew has quite displaced him in the affections of large numbers of his white constituents, and he gives every indication of preparing to run for President in '72. Only this time, he suggests, he won't spread himself thin over the whole country, and presumably there won't be any Curtis LeMay for a running mate. Rather he will cover the South and the South only, carry more of it than he did in 1968, and deadlock the electoral college for sure.

That is what Wallace says, and every time he says it, there is a spasm of support for the proposal to abolish the electoral college and substitute direct popular election. The House passed such a proposal in the last Congress, providing for a run-off between the top two contenders if no one got 40 percent of the vote the first time around. But it died in the Senate, deservedly. It would have put Wallace in at least as good a position as he is under the present system, and perhaps even better.

Under the present system, Wallace *could* deadlock the electoral college in a race that is close not only in the popular vote, but what is less likely, in the electoral vote. The electoral vote will be close if the popular vote, in addition to itself being close, seesaws between the top candidates from state to state; if, in other words, there is no trend and no pattern, if there is a joker in the deck, like John Kennedy's religion in 1960. That can happen, but it's rare.

Under the House-approved popular election proposal, with a runoff, the Wallace objective would be to keep any candidate from getting 40 percent. Now, on his track record in 1968, Wallace can come close, but he can't do it. Wallace alone, that is. But Wallace would probably not be alone.

A system of popular Presidential election with a runoff would hold out to various ideological or charismatic candidates the temptation that the present system offers only to candidates who, like Wallace, have a regional base. If an election looks to be close – and if it doesn't, we need not worry about George Wallace either – there will be people who won't resist the newly offered temptation. Party cohesion won't be remotely what it is today – *even* what it is today – and politicians to the left and right of the major party nominees will enter. Not to speak of above-party figures like – the names are used to describe a type, not necessarily their actual bearers – John Gardner, Ramsey Clark, John Lindsay, or, who knows, Kingman Brewster. In waters this well-stocked, George Wallace will certainly fish. He has a remote chance now of deadlocking the electoral college. He could be virtually assured in a multi-candidate popular election of deadlocking the popular vote and forcing a runoff.

This defect in the popular election proposal led to the introduction in the last Congress of a modification of it by former Senator Joseph Tydings of Maryland and the Republican Whip Senator Robert Griffin of Michigan, which Senator Birch Bayh of Indiana, the chief sponsor of popular election, now says he accepts and will support. The Tydings-Griffin amendment would eliminate the runoff. In the event that no Presidential candidate attained 40 percent of the total national popular vote, the vote would be tabulated by states, as it is now. The winner of a popular majority or plurality in each state would be allotted the electoral vote of that state, and if the winner of a plurality of the total national popular vote, by whatever percentage, also proved to have an absolute majority of the electoral vote, he would be President. If no result was reached in this fashion – if nobody got an electoral-vote majority, or if the loser of the popular vote got it – then a joint session of the new Congress would elect a President, each representative and senator casting one ballot.

The Tydings-Griffin amendment would go a long way toward deterring multiple candidacies, but the deterrent would be somewhat weaker than it is under the present system, since there would be a chance that if a third-party candidate siphoned just enough of the popular vote from just the right major party can-

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didate, he could throw the election into Congress, even though there was an electoral vote winner. Hence ideological candidates without a regional base would have more incentive to enter than they do now. Moreover, the Tydings-Griffin amendment does not deal with other weaknesses in the popular election proposal. Election by a plurality of the popular vote would very likely be the norm under Tydings-Griffin. A popular plurality can be achieved by a vote that need show a good deal less national distribution than is required by the present system; it can rest on one or two heavy regional majorities. Hence, cohesive, balance-of-power groups in the large industrial states would be deprived of the leverage they now have in Presidential politics.

Again, the Tydings-Griffin proposal would do nothing about the possibility that popular election will produce horrors of vote-counting and recounting, and of charges and counter-charges of fraud, with consequent litigation and delay. The present system, counting by states, tends to insulate recounts and other difficulties in one or two states in which the result is close and which could make a difference.

A great improvement over the Tydings-Griffin amendment, although still sharing some of its defects, is a proposal worked out by Senator William B. Spong Jr. (D, Va.). Under the Spong proposal, the popular vote alone, in whatever percentage, would never be decisive. Thus the distributive requirement, and the leverage of balance-of-power groups, would be preserved. But in order to be elected, a candidate would have to have not only a majority of the electoral votes, but also a majority or plurality of the popular vote.

All that needs to be done about George Wallace, however, is to abolish the electors as physical entities, so they can't be used for bargaining counters, and instead automatically award the electoral vote of each state to the winner of a popular plurality in that state. Deadlock will still be possible, but George Wallace won't have anything to bargain with, being unable to throw his vote in the persons of his electors, to anyone else. A deadlocked election will then have to go elsewhere for the deadlock to be resolved, and the most sensible place for it to go, where a candidate like Wallace will have the least influence, is a joint session of the new Congress.

A constitutional amendment making these perfecting changes has long been before Congress, having first been put forward by Attorney General Katzenbach for the Johnson Administration. The Katzenbach idea – or the anti-Wallace amendment, as it might accurately be known – gained the significant support in the 91st Congress of Senator Sam J. Ervin, Jr. of North Carolina. This Congress ought to pass it as early as possible. A second choice, but a somewhat riskier and less desirable plan, would be the Spong proposal. The Tydings-Griffin amendment runs a poor third.

The Nixon Watch

The Poor Betrayed

The White House staff was understandably anxious to have it believed that Mr. Nixon was not the man who made the decision announced on Saturday night, January 30, by Frank Carlucci, the director of the Office of Economic Opportunity, in the matter of California Rural Legal Assistance, Inc., a federally funded organization that provides the poor of rural California with legal aid which they cannot afford and have been denied in the past. The decision kept CRLA alive, but just barely, in circumstances and under conditions that could bring about its slow death. It was a wretched and dishonorable decision, the acknowledged result of a political deal with Governor Ronald Reagan, a decision that no decent man would want to be associated with. Unfortunately for the President, Governor Reagan made it impossible for him to escape association with it.

Reagan boasted in Sacramento, after a visit to Washington, that he had explained his objections to CRLA in a talk with the President at the White House on January 23, and said that he had received a sympathetic hearing. Subsequent events indicated that this was an understatement. Mr. Nixon was on holiday in the Virgin Islands when the decision was announced. All that his press spokesman, Ronald Ziegler, would say about it was that the President was informed of the decision before it was made public. Mr. Nixon's assistant for domestic affairs, John D. Ehrlichman, had a subordinate tell me for him on February 2 that he had not been involved – *"not at all,"* the subordinate emphasized – in the discussions between the White House staff and OEO officials that preceded the decision. The truth was that Ehrlichman took charge of the matter after Reagan had his talk with the President. Ehrlichman's instructions were to find a solution that would at least appear to keep CRLA alive and also would have the best possible political result. The best possible political result would have to be one that kept Governor Reagan happy and in a mood not to encourage Republicans around the country who would like to see him try in 1972, as he tried in 1968, to wrest the Presidential nomination from Richard Nixon. Finding such a solution took some doing. But it was done, thanks to Ehrlichman, as the simultaneous announcements issued on the 30th by Reagan and Frank Carlucci demonstrated.

Those announcements cannot be understood without a little background. Reagan has detested CRLA and its work for the California poor ever since it was founded in 1966, the year he was first elected governor. Peter Barnes told why in this journal's issue of January 23, the short of it being that CRLA's 40-plus attorneys, mostly young and fired up for justice, have dared to bring into question and before the courts a

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variety of state, local and federal practices that deny poor Californians their elemental rights, and have won a high proportion of the cases. That is what OEO's 265 legal-service programs throughout the country are supposed to do. Some of them, CRLA included, do it with more vigor than others. CRLA's Chicano director, Cruz Renoso, agrees that there have been excesses and some violations of OEO's strict guidelines, and several of the attorneys responsible for questioned behavior have left the program. But the OEO directorate in Washington has repeatedly cited CRLA to those in charge of other programs as *the* one outstanding success, the one to be emulated elsewhere, and also as a program to be defended against the attacks to which it has been continually subjected.

One of its strongest defenders appeared until recently to be Donald Rumsfeld, the former OEO director who was transferred to the White House staff in December and was succeeded by Frank Carlucci. Rumsfeld knew all there was to know about Reagan's hatred of the program and about the Governor's developing plan to veto any further federal funding of CRLA when, on December 1, OEO not only extended the California grant through 1971 but increased it by $205,539 to $1,884,101. Rumsfeld's announcement of the 1971 grant said that CRLA was "commonly recognized as one of the best Legal Services programs" and noted with pride that the National Legal Aid and Defender Association had declared it to be "the best such program" in 1968. Because of Reagan's known opposition and of the complaints regularly received from like-minded Californians, the CRLA operation had been examined with particular care by a team of OEO evaluators and later by an independent review committee that included former Supreme Court Justice Tom C. Clark. The OEO team and the Clark committee gave CRLA high marks and anyone might have thought that OEO and the Nixon White House were braced to stand firm against Reagan's clearly signalled intention to veto the 1971 grant.

Reagan vetoed it and the Administration instantly equivocated, extending the grant for only 30 days while professing to investigate no less than 127 charges brought against CRLA by the director of the state Office of Economic Opportunity, Lewis K. Uhler. One of the many odd aspects of the Uhler charges is that he, denouncing the use of public money to obstruct public actions, is paid from the OEO federal funds that support the state agency. I have read and reread every word of the remarkable Uhler document. Claiming no competence to judge it on my own, I defer to the opinion of a distinguished New York and Washington attorney, a man whose loyalty to the President is beyond question, who has read the Uhler report in line of duty and has said that it is unadulterated bunk. All of substance that it proves is that Governor Reagan and anyone who sides with him in this affair must be prepared to see to it that federal money is not used in behalf of poor Americans in ways that discomfit well-off Americans and the federal, state and local government agencies that usually cater to their interests at the expense of poor Americans. A relevant fact is that if the Reagan-Uhler charges were in the least justified, Frank Carlucci, and his White House mentors would be obligated to kill CRLA and withhold any further federal funding at all. Carlucci, denied Senate confirmation and kept in office with a recess appointment after he refused to promise Senator Alan Cranston of California that he would override the Reagan veto and sustain the Rumsfeld grant, expressed his actual opinion of the Uhler report on the Thursday before he announced his decision. At a meeting in Washington with the lawyers who comprise OEO legal services' national advisory committee, he said: "I sure as heck would hate to sustain a veto on the basis of that report."

A way was found for him not only to sustain the Reagan veto but to dignify the Uhler report in a fashion that was bound to do immense harm to CRLA and to other OEO legal services programs. Carlucci, speaking the piece approved by Ehrlichman and cleared with the President, announced that he had "reached an agreement with Governor Reagan." The agreement provided that Carlucci would "not override at this time Governor Reagan's veto." Instead he made an entirely new grant (for $972,569), good for six months and expiring July 31. In the meantime, he would appoint a "high-level commission" to help him "complete a full and impartial review of the matter." He would refer the Reagan-Uhler report to the Justice Department and the Civil Service Commission for check on "possible violations of federal law or federal prohibitions on political activity" by CRLA employees. And he would take the "fundamental policy questions raised by the Governor's report" into consideration when he recommended to Congress "new legislation dealing with the legal services program." The text of a gloating statement by Reagan was telephoned from his Sacramento office to the OEO headquarters in Washington and was handed to CRLA representatives by an OEO official within 30 minutes after they were given the Carlucci statement. Reagan said he had "agreed with federal OEO to permit a short-term extension of the grant for CRLA" and undertook to have a state legal aid program ready "to take over legal assistance . . . when the CRLA is phased out next July."

Carlucci's assistants, shaken by what one of them called "that bastard's double-cross," rushed out an assertion that the six-month extension "is not a phase-out or transition grant" and that CRLA might yet be refunded in full for 1971. But the harm was done. Reagan said on national TV that he expected other governors to follow his example and veto objectionable legal services grants. CRLA's headquarters officials in San Francisco, already struggling with the staff

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and other difficulties brought upon them by the prolonged uncertainty, foresaw six months of distracting but unavoidable effort to counter the warning, implicit in the referrals to Justice and the Civil Service Commission, that any poverty program lawyer who did his job could be subject to federal penalties. It may have constituted the best possible political result that John Ehrlichman was assigned to bring about for the President. It was the worst possible result for the nation's poor, a betrayal of them and the cause of justice.

John Osborne

Hunting Scapegoats In Kentucky

The US Bureau of Mines will ask the Justice Department to consider bringing criminal charges against the owners of a coal mine in Hyden, Ky., where 38 men perished last December 30. A casual reader would conclude that justice is about to be done. The UPI story, for example, implied that the Bureau had uncovered several hazards and illegal practices that the coal operators, Charles and Stanley Finley, had permitted, and which allegedly contributed to the deaths of the miners. And, though the Bureau absolved its inspectors for not making a follow-up inspection that might have closed the mine down eight days before the blast, the story gave the impression that the Bureau would do everything possible in the future to achieve greater mine safety.

Thanks to a separate investigation by Thomas N. Bethell, however, the real story of the Hyden disaster has been made public, and the Bureau of Mines report has been exposed for the sham that it is. In a 59-page report for the Coal Miners Legal Defense Fund of Charleston, W.Va., Bethell has put the responsibility for what he calls "The Hurricane Creek Massacre" squarely on the shoulders of the Bureau of Mines and its parent agency, the US Department of the Interior. In a civilized society, he says, officials of both agencies "would be dragged into court and prosecuted for manslaughter."

Bethell, co-editor of a biweekly newsletter called "Coal Patrol," has written about mine disasters, insurgent union organizing, and the involvement of large oil companies in coal operations. His report resulted from intensive investigation at the scene and more than two years of study of coal mining health and safety – ever since the Farmington, W.Va., explosion that killed 78 men in November 1968. The 28-page report of the Bureau of Mines can't touch Bethell's for comprehensiveness. He found the following:

(1) The explosion was caused by the use of illegal explosives, which the operators had purchased. Under the Federal Coal Mine Health and Safety Act of 1969, they should be prosecuted. (Possible maximum penalty: $25,000 fine, one year in jail.)

(2) The report by the Kentucky Department of Mines and Minerals, which blames the disaster on employees, is "wholly inadequate, inaccurate, and deceptive," since it ignores the obligation of the mine owner to assume personal responsibility for the mine's operations – and to correct the many violations practices that both state and federal inspectors found.

(3) Though medical evidence showed that perhaps five miners may have survived the blast briefly – but died from carbon monoxide poisoning – the mine owners failed to provide adequate "self-rescuers": small gas masks that may give a trapped man an extra hour's breathing time. The findings of the first doctor on the scene were not admitted as evidence in the Bureau's public hearing, because the doctor was not called upon to testify. Instead, the Bureau heard from the Leslie County coroner, a funeral home operator with almost no medical training.

(4) Two accidents prior to the Dec. 30 explosion went unreported to either state or federal authorities. In one, a miner's legs were severely burned by a fire caused by an ungrounded wire. In the other, a tractor operator had his skull crushed between the tractor and a wall when he pushed the control forward and the machine went backward. The state report later recommended, "Operators of mobile equipment must face the direction of travel."

(5) The Finley mines were cited for 38 violations of the federal law, but were closed only once for "imminent danger." The closure occurred over a weekend, however, so there was no financial loss to the owners. Moreover, the six inspections that federal authorities did make were either spot checks or inspections of only part of a mine; the federal law calls for full inspection of the mine four times a year.

(6) The so-called public hearing which the Bureau conducted was a farce, since many key witnesses (including state and federal mine inspectors, miners, and widows) were never called to testify. Also, the scope of the hearing was limited to the Dec. 30 disaster; there was no probe into the previous operation of the mine or the previous violations of state and federal laws. The Finleys were also permitted to talk privately with witnesses before they testified. And the Interior Department sent lawyers to get depositions on the case two weeks after the hearings were held – without telling the public. One lawyer admitted Interior was trying "to build a case."

(7) "The Administration's widely publicized plan to provide 'all possible federal aid' to the wives and children of the disaster victims has thus far been completely inadequate." The White House aide in charge failed to advise the widows of their legal rights; consequently, they signed papers which waived their

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rights to apply for a 15 percent increase in payments if negligence were proved against the operator. One widow got $225 total from Social Security; two claims were denied because the miners, ages 20 and 19, had not worked long enough to qualify for benefits.

(8) The efforts of federal mine inspectors in the field to get real enforcement have been subverted by their own agency. Specifically, the report accuses Fred J. Russell, the then Under Secretary of the Interior, of "deliberate and willful obstruction of the law" by refusing to challenge a court suit brought against the Bureau of Mines in April 1970. Coal operators had challenged the penalty schedule which the Interior Department had set up. As a result of this court action, Russell ordered federal mine inspectors to return to their field offices to await further instructions, thus "letting coal operators know that the Interior Department would not try to enforce the law."

There "was overwhelming evidence," Bethell summarized ". . . that the men were victims of a government which regards itself as the political wing of industry, and which – through political expediency or deliberate intent – has consistently and successfully nullified the effectiveness of the Federal Coal Mine Health and Safety Act of 1969. This government, and the men who direct it, bear the principal responsibility for the deaths of the miners in Kentucky. The men who died on the first anniversary of the law designed to protect them were killed by a ponderous, foot-dragging bureaucracy that could not reform itself even if it wanted to. And the evidence is that it does *not* want to – that it continues to see its mission . . . purely in terms of production of coal, and not protection of men."

There are at least two ways to rationalize what happened in Kentucky: demean the victims or deify them. We do the latter, romanticizing miners into folk heroes larger than life. We popularize them in songs like "Big John" and "16 Tons." For such caricatures as we make them, there can be no such thing as suffering; even if there is suffering, it is the suffering incumbent upon martyrs. And, though one miner is slaughtered every working day, on the average, and countless others are dying the slow death of pulmonary or heart disease caused by inhaling coal dust, we are able to accept their deaths, even during calamities like Farmington and Hyden. Coal mining is a profession fraught with danger; death is inevitable; no one's to blame. The agency that is supposed to be administering the health and safety law cannot be expected to investigate why the law has not been properly administered. For the Bureau of Mines and the Interior Department to conclude that the Hyden catastrophe resulted in great part from administrative bumbling would necessitate that administration of the law be given to some other, more competent agency; but no bureaucracy will admit a failure like that.

A scapegoat or two will be found. Charges will be brought against the owners – with apparent justification – but the Bureau of the Department will go free.

Robert Cassidy

An Argument for Tax Credits

Better Than Revenue Sharing

by Melville J. Ulmer

Revenue sharing is the cornerstone of President Nixon's "new federalism," which in turn provides one of the six pillars of his "new American revolution." It is a disarmingly simple scheme by which a portion of federal income tax receipts are to be distributed to the states, free of restrictions, mainly in accord with their populations.

Conservative proponents perceive in revenue sharing a grand opportunity for revivifying the languishing cause of states' rights. Liberals are spurred by the promise of more money for urban renewal, education, and welfare. Centrists are concerned especially with relieving the financial pinch of looming deficits in state and local governments. The President has emphasized "getting government back to the people." Nearly to a man, the nation's governors are inspired by the irresistible lure of getting more money without having to raise taxes. Though he is seldom given whatever credit may be due, the father of revenue sharing is Secretary of Defense Melvin R. Laird, who as a congressman from Wisconsin introduced the first bill of this kind in 1958, which he labeled the "Great Republican Alternative to the Great Planned Society."

The least controversial thing that can be said about

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revenue sharing (also called tax sharing, unconditional grants, and general assistance grants) is that it is addressed to a real and present problem. Many more children in school, many more cars on the road, and a vast increase in the number of people on welfare in the central cities have boosted combined annual state and local expenditures from $50 billion to $130 billion in the last ten years. Raising the taxes to meet these obligations has become increasingly difficult, and promises to be more trying as these and other obligations (for mass transportation, police protection, pollution-free sewage disposal, recreational areas) continue to mount. The point is that *at present tax rates* a gap of some magnitude (estimates of its size differ widely) appears imminent between the revenue that state and local governments are likely to realize and the expenditures they will be obligated to make. To close the gap, there are three possible measures:

► The federal government may turn over part of its own funds to the states and cities with no strings attached. This is revenue sharing.

► The federal government may increase its grants-in-aid – that is, money distributed to the states or cities, with matching requirements, on condition that it be expended in specific ways for particular purposes such as education, welfare, and environmental control.

► The state and local governments may increase their own tax rates. An interesting way in which the federal government may help them to do this will be mentioned later.

The momentum behind revenue sharing stems partly from its simplicity and partly from the brilliant dialectics of some of its proponents. Perhaps first in line is the liberal economist Walter W. Heller, who in 1964 developed a plan, not unlike President Nixon's. Heller's main point, which he drives home with evangelical vigor, is the need for "revitalizing the states" – a phrase that was reused in behalf of revenue sharing with such effectiveness by Vice President Agnew at Atlanta recently that the audience response was: "Tell us what to do – we're ready to go to war!" Such enthusiasm, and the eloquence that inspires it, contrarily lends force, at least in some quarters, to the formidable but workaday arguments advanced against the free and easy distribution of funds to state and local authorities.

One of these arguments relates to the basic facts of the case. *Are* the states really at wit's end, as claimed, unable to raise additional revenue of their own because the federal government has already preempted that most efficient money raiser of them all, the personal income tax? A mere glance at the fiscal record of the states is sufficient to demonstrate that the alleged "preemption" is exaggerated. Effective use of the personal income tax is currently made in Wisconsin, Minnesota, Hawaii, New York, and Delaware with marginal rates on family incomes of $15,000 or more ranging up to 10 or 11 percent. Yet thirteen states have no personal income taxes at all, while in the majority of others the effective rates are almost negligibly small. About the same number of states have no corporation income tax, and six do not even levy a sales tax. It would seem quite clear that very few of the states have done all that might reasonably be expected to help themselves. If all 50 states had levied income taxes as high as those of the five named above, their total revenue would be raised by 7 or 8 billion dollars, considerably more than the $6 billion of new money promised in President Nixon's revenue sharing plan. Even larger amounts, were they actually needed, perhaps another $15 or $20 billion, could be added to their revenues if all the states were to duplicate the sales and property taxes that prevail in the five states in which such levies are now the highest.

Such considerations, of course, raise a question whether the states and cities really do need more financial aid from the federal government than they are now getting, a matter to which we shall return later. They raise another question, more fundamental to revenue sharing: Can state governments that lack the social motivation and political integrity to employ the fiscal powers at their command be entrusted to use responsibly a bonzana provided without conditions by the federal government? House Ways and Means Committee chairman Wilbur Mills, among many others, is skeptical, though obviously it is the attitude of Mr. Mills and not "the others" that has Mr. Nixon's revenue sharing promoters worried. Mills thinks that it is a basic principle of good government that those who spend public funds also share the responsibility of raising them. Nor is the record of honesty, virtue, and efficiency so overwhelming and universal in our state, city, and county governments that one can brush such concerns lightly aside.

Since no restrictions are applied, states may use their federal money for meeting ordinary expenses of government, for road building, monuments, elevating the living standards of deserving politicians, or even for reducing their own taxes. It is true that a frivolous use of the funds is unlikely in the more progressive states, but not necessarily in the others. A case in point arose some time ago in Virginia. A special state sales tax was imposed to raise money for aiding the counties in improving education. Perversely, some of the southern counties of the state, where educational standards as well as local taxes were lowest, used the money for reducing county taxes. In the more progressive counties of the north, the funds were applied to the further improvement of schools that had already won a good-to-excellent national rating.

One feature of the Nixon plan that has won the commendation of some liberals – especially Congressman Henry S. Reuss (D, Wis.), and economists Heller and Joseph Pechman – is the formula by which rebate funds are shared among the 50 states. The distribu-

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tion is made primarily on the basis of population, with a modest weight for what is called "tax effort." Another possibility, of course, would be to return to each state the same fixed proportion of the amount it had contributed, via income taxes, to the federal revenue. The Nixon approach has the apparent advantage, from an equity standpoint, of giving much more, relative to their contributions, to the poorer states. The actual results of the formula, however, may look less attractive when examined more closely, for its main effect is to redistribute money away from the highly urbanized and "wealthy" states, where problems of poverty and crowded ghettos are most pressing, and to the more rural states where needs may be less.

Thus, for every dollar that New York contributes (through the income taxes of its citizens) to the revenue sharing kitty, it would receive back from the federal government only 87 cents in the Nixon plan. In contrast, Mississippi would receive $2.50 for every dollar paid out. Similarly, Pennsylvania would receive 79 cents and Illinois 60 cents for every dollar contributed, but Alabama would get $1.56. Other prominent *losers* in the plan are Connecticut, Delaware, the District of Columbia, New Jersey, Ohio, Missouri, New Hampshire, Massachusetts, Rhode Island, Maryland, Indiana, and Michigan – in other words, the states that have been most urgently calling for assistance. (They are also the areas in which middle-income groups are now pressed most severely by relatively high state and local taxes.) The largest *gainers*, aside from Mississippi and Alabama, are North Dakota, New Mexico, Louisiana, South Dakota, Arkansas, Idaho, Arizona, South Carolina, Wyoming, Kentucky, Utah, Hawaii and Alaska. As Congressman Mills declared, "It seems to me that this [revenue sharing plan] actually is the reverse of facing up to the urban problem that we have been hearing about."

Mills' observation gathers greater force when one speculates on the chance that the funds going to Mississippi, Alabama, and similar states will actually filter down in significant volume to the poor people. It is true that the average monthly welfare payments to families in Mississippi is about $35 against $250 in New York, but it is much less than certain that this frightful disparity would be narrowed by revenue sharing. A more reliable approach is to nationalize welfare, or at least set federal standards for its dispensation. The best way to help the poor, in other words, may be to help poor people rather than states. Nationalizing welfare, incidentally, would itself provide as much fiscal relief as the Administration's revenue sharing plan, since the annual bill for welfare at the state and local level is $6 billion and is rising.

Earlier reference was made to the possibility that most states may be capable of helping themselves, despite all the lachrymose visits of governors to Washington. Fortunately, there is a simple method available by which *all* states can be both enabled and induced to help themselves – a practice that could do more for their "revitalization" than the most generous handouts from the federal treasury. The method involves permitting taxpayers to charge some substantial part of their state and local income-tax payments against their federal income-tax liability. As a sample of what could be done, and what it would accomplish, consider the following proposal:

Present regulations allow the citizen to deduct from his own income all the state and local taxes he paid before computing the income tax he owes the federal government. For a taxpayer in the 20 or 25 percent tax rate bracket, this "itemized deduction" permits a saving of 20 or 25 cents for every dollar paid to the states, cities, or counties. Now suppose an additional credit is allowed amounting to 50 percent of the state and/or local *income* tax, and permit this credit to be charged directly against his federal tax liability after all itemized deductions had been figured. A citizen who paid $200 to his state in income tax could reduce his net federal liability by $100. The saving to the average taxpayer derived from the state or local income tax, taking account of the itemized deduction *and* the special credit, would be about 70 cents on the dollar.

Just one limitation to this allowance would be necessary so that the central government could maintain a reasonable control over the size of its own revenue. The credit allowed would have to be limited to some proportion of the federal income tax owed, perhaps 10 percent. Then, if the citizen paid $200 in state income tax, and owed $1200 to the federal government, he could deduct a full 50 percent or $100 from his federal liability. But if his state income tax were raised to $300, while his federal liability remained the same, he could deduct just $120 rather than $150 because of the 10 percent limitation.

The result of prime interest for state and local governments is that the proposed credit, on top of the itemized deduction already allowed, would enable them to raise *an additional dollar of income tax receipts at a net cost to the average taxpayer of less than 30 cents*. If they made full use of their opportunities (up to the maximum credit allowed against the federal income tax), as I think they would, state and local revenue could be increased by about $12 billion annually in the year or two ahead. If the federal government assumed full financial responsibility for welfare, as proposed above, an additional $7 billion of uncommitted revenue would be made available for state and local governments. This grand total of nearly $20 billion of additional revenue is more than three times the amount of new funds provided in the President's revenue sharing plan and about twice the amount the governors have publicly dreamed about in their most immodest entreaties to Washington.

The tax credit has some additional advantages over the revenue sharing plan. It would not divorce the

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taxing responsibility from the spending responsibility in the states, cities, and counties. It would not discriminate against the more urbanized states in favor of the others. It would not preserve the tremendous disparity in taxes which now exists for citizens in the same income bracket in different parts of the country, as revenue sharing does. Instead, the tax credit motivates reform. It encourages authorities that now make little or no use of the income tax to exploit this measure in preference to their other, more regressive levies. (Note that the special credit is allowed only for state and local *income* taxes.) It stimulates lagging states to raise the additional revenue required for neglected public services. At the same time, the tax credit plan preserves a desirable degree of fiscal flexibility for state and local authorities. Instead of receiving some lump sum from the federal government, always in some degree unpredictable, as in revenue sharing, they would remain in full command of their own budgets. By the same token, taxpayers would retain a greater interest in, and control over, what was done with their money.

If the tax credit can do all that, one may wonder why someone didn't think of it before. The answer is that many did. Tax credits have been used in Europe and proposals for their introduction in the United States have been advanced by the Advisory Commission on Intergovernmental Relations (a government agency) and the Committee for Economic Development (an association of liberal businessmen). Walter Heller wrote his doctoral dissertation on the subject, though his youthful enthusiasm has dimmed. The fact that friendliness to the idea has been expressed by Congressman Mills, a number of other legislators plus the AFL-CIO speaks for its political feasibility.

Nothing in the revenue sharing plan *or* in the tax credit proposal bears directly on the 500 or so different grants-in-aid that the federal government now dispatches to the states and cities at an annual cost of $27 billion. The complaint from some is that these federal gifts are so bound up in reports in triplicate that only a desperately courageous local official will touch them – though as it turns out, all local officials seem to be desperate and courageous. In any event, no one rejects the grants, though practically everyone agrees that some consolidation and simplification is in order. A responsible study may well disclose that some of these federal programs ought to be turned over to the states or cities, administratively and perhaps financially too. It would be a foolhardy reversal of the wheels of history, however, to go too far in that direction. From the Civil War itself to the national law of 1938 protecting women and children in industry, experience reminds us that at least on some key issues the states not only have been led, but apparently must be led, by the federal government.

Bigger Planes, Higher Fares, More Red Ink

Flying the American Way

by Robert Fink

The 20 US scheduled carriers are in dire financial straits, and it is possible that only a handful will survive the next two years. The industry generally concedes that some large companies will go under, and perhaps as few as four or five giants will emerge. Last week the airline industry, in the person of Stuart Tipton, the President of the Air Transport Association (see Correspondence, p.34), appealed to Congress to let the industry raise passenger fares so "we can have a good, solid system and not have to come to Congress for government help."

That the airlines' plight was not anticipated years ago by airlines or federal regulatory bodies reflects their collective mentality, which appears to have lived for years in the never-never land of expansion for expansion's sake – despite the patently obvious fact that overall lift capacity was increasing at a substantially higher rate than even a healthy market increase could absorb at contemporary tariff levels, as each company generally followed a policy of buying aircraft to meet their own peak season demands. With the advent of the 747 Jumbo Jet, it was clear that

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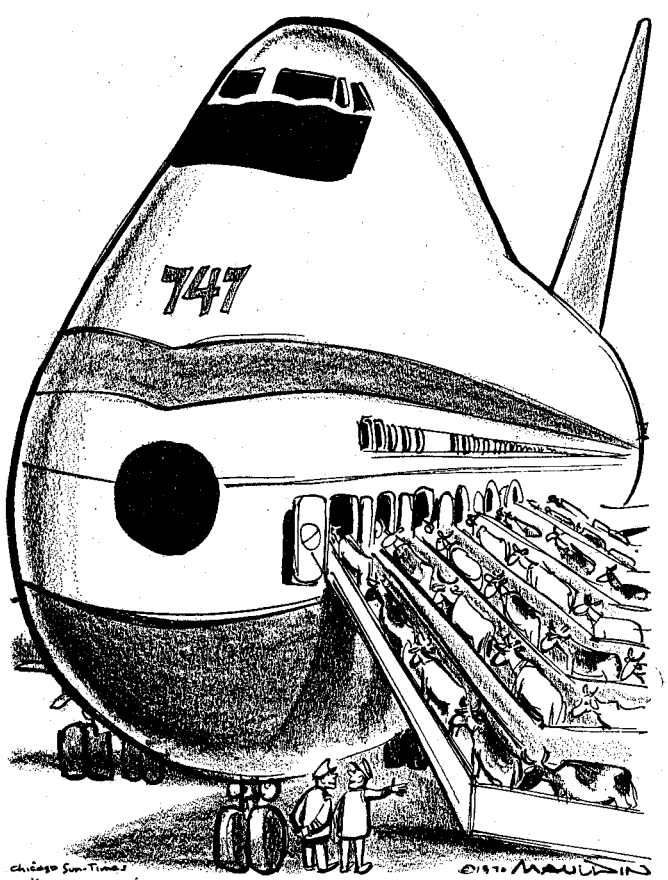
scheduled seat capacity would probably exceed even that demand for the first time in the history of commercial aviation, just as it should now be clear that the coming of the wide-bodied tri-jets in 1972, with approximately twice the number of seats of the familiar Boeing 707 and DC-8, will increase the discrepancy between available seats and passengers to fill them, still more.

The airlines' compulsion to grow has been tuned to such tangible governmental expansion incentives as accelerated depreciation schedules, the 10.5 percent return on invested capital, and the now-cancelled 7 percent investment tax credit – an arrangement under which virtually all large aircraft now in service, and much of the fleets soon to be delivered, have been secured. This credit device encouraged companies to expand by purchasing equipment – in many cases aircraft they didn't vitally need – and subsequently their applicable annual net-after-tax profits by as much as 50 percent.

The 10.5 percent return on invested capital is a guideline that the Civil Aeronautics Board recognizes as being a reasonable rate. It is on this basis that the major scheduled carriers recently asked for a 20 percent fare increase, the amount they believe they need to *guarantee* themselves a 10.5 percent return. In arriving at this 20 percent figure, the airlines by their own calculations, generously acknowledge that substantial numbers of passengers will be driven away, and that if this were not the case they would only need a 12 percent fare boost. At a time when more and more seats are empty, both percentage-wise and *in toto*, the airlines are ironically proposing to aggravate the condition still further, and looking for their salvation to the government which contributed to their dilemma. But the higher tariff structure the carriers are now demanding can only provide temporary relief, and in the long run is not in the best interest of the airlines, the aircraft manufacturers and suppliers, or the general public.



"I always suspected that's what it was designed for."

No responsible industry goes in for major capital expansion primarily to obtain short-term financial advantages. Presumably, most airline executives had faith in massive and continued growth *ad infinitum*, and acted accordingly – and so it is a natural progression for them to now attribute their difficulties to a slump in the economy. Translated into airline passenger traffic, "slump" means the rate of anticipated growth has not materialized; it does not mean a decrease in passenger seat-miles (actually up 8.3 percent in the first seven months of 1970), except in relation to overall expenses and available seat-miles. This combination of factors set off the plunge, but in a situation where, percentage-wise, fewer passengers carry an ever-widening burden of costs, a cave-in is inevitable. The "slump" is a symptom of unsoundness, as are many of the soaring costs the airlines are saddled with: excess interest charges on unneeded aircraft, their maintenance and operating costs, and the waste in time and fuel spent in runway delays resulting from the congestion of unnecessary flights, are a few examples. These kinds of needless costs annually add up to tens of millions (if not hundreds of millions) of dollars thrown away, millions of man-hours wasted, and the squandering of natural resources.

How did the airlines, with all their management and marketing expertise, get in such a mess?

The answer partially lies in the curiosities of airline economics, and the blessing of the operating economies of modern jet aircraft. The actual cost of flying them is so low that once they are purchased, the sale of a relatively few seats on each flight will cover the expenses of aircraft operations. "Aircraft Operating Expenses" are caculated in block hours – time measured from the moment an aircraft begins a flight by moving under its own power, to the time its engines are switched off at its destination. These expenses, in airline accounting procedures, include "out of pocket" costs of fuel, oil, crew salaries and flight insurance, as well as the major expenditures of direct maintenance, and depreciation. In actual figures, these various outlays average about $800 per block hour for a Boeing 707 or DC-8, about $850 for a stretch DC-8-61, and about $1550 for a Boeing 747 Jumbo.

Actual operating costs vary from route to route and from carrier to carrier, and the break-even point between any two points differs, depending on such vari-

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ables as distance and tariff structure, but the break-even point is usually reached by the sale of between 16 to 25 percent of the available seats at the coach-class fare level, between most major cities. Hence, for example, a 747 flying from Los Angeles to New York requires about 65 coach passengers in its 340-odd seats – and it could comfortably have many more seats – to recoup the operator's aircraft expenses. Or a DC-8-61 flying between Chicago and Los Angeles can break-even with approximately 32 coach passengers in its 195-odd seats – plus the few passengers needed to cover the expenses of catering (a fixed expense per passenger), and ground handling (a variable expense per passenger, tied in to the frequency of flights and size of the aircraft, but obviously, the fewer the flights and the larger the aircraft to transport a given quantity of passengers, the lower the per passenger cost). Moreover, the minimal passenger figures given here assume no freight or mail are being transported; if they generate revenue, the passenger break-even points are further reduced, often to where no passengers are needed to pay the aircraft's operating expenses.

It is because of these kinds of figures that the airlines have seen their road to prosperity in keeping their half-full aircraft in the air, and their advertising budgets high ($220 million in 1969, and growing substantially) – figuring every extra seat sold is largely money in the bank, as well as being a defensive necessity to keep up with the competition. There is little, incidentally, to indicate that massive advertising expenditures increase total airline traffic to any meaningful extent.

The golden calf of bigness, combined with this sort of economics, leads many carriers, when given a choice between operating, say, a 140-passenger Boeing 707 or a 340-passenger Boeing 747, on a service which would normally be expected to have, say, 75 passengers per flight, to opt for the larger aircraft, because the substantially greater income it can generate on the odd occasions when there's a surge of passenger or freight demand, will more than offset the higher operating costs. Furthermore, the prestige of a 747 is seen as a lure to attract passengers from the competition. This type of reasoning totally ignores the social costs of pollution and the unnecessary consumption of resources.

The airlines have gone wrong because the delicate balance between irresponsible overcapacity and enormous ground expenses (approximately equal to total aircraft operating expenses), has gone against them – as sooner or later it had to do. Seeing load factors steadily slipping in the last few years – on domestic scheduled services the 1970 results will probably be about 46 percent, down from 57.9 percent in 1966 – the airlines have tried to combat the trend by instituting gimmick fares, by shenanigans as the "wider-seat war," and by crying out for higher fares. These would make their aircraft operational break-even points even lower than they already are, and concurrently allow the inefficiency and waste to continue until the next crisis.

Airline operating costs being so low, the airlines literally would have a license to print money at the present tariff levels *if* the industry were rationally operated. That it is not so operated is a responsibility shared by the companies themselves and the CAB. For the past 20 years, it has been government policy to encourage open competition and restrict any form of capacity control on schedued airlines' services within the US and on overseas routes where US carriers actively participate, such as on the North Atlantic. On affected international routes the effect has been similar to what has happened here, and the president of TWA recently noted that the excess seats of the two dozen carriers on the North Atlantic represented no less than the equivalent of 84 Boeing 707s daily flying empty. Domestically, the CAB has gone out of its way to increase competition, a familiar practice being to put three or four carriers on a route which has proved profitable for one or two, so that it becomes unprofitable for all.

On the airlines' side, excess competition has naturally been unwelcomed by carriers when it invaded routes they themselves dominated; at the same time, wanting the best of both worlds, the carriers' normal practice has been to get the maximum possible routes for themselves – with the exception that on occasion they have been obligated to take routes they didn't want (usually short-distances or between small markets) to get others they did. The result of "what's mine is mine, what's yours we share," combined with the carriers' acquiescence to the CAB's directives, is the present chaos of largely empty planes standing on runways, waiting to take off minutes apart for the same destination.

The obvious solution is – and has been – to reduce the number of flights, but until last September the airlines made no collective attempt to do so. And on an individual basis it is only within the last few weeks that major carriers such as TWA and United have made individual curtailments of any consequence, even though government regulations have not interfered with their right to *individually* reduce the frequency and size of their flights over any given route. In practice, the carriers have felt they would put themselves at a competitive disadvantage by acting initially or unilaterally: they have been more concerned with the possibility of losing out to competitors than of losing money, and it is only now that the losses are getting uncomfortable, that they are willing to risk losing "their" share of the market.

Why haven't the airlines at least been able to agree among themselves to jointly cut their services? The reasons are partly institutional: (1) the nature of the business is to plunge forward and not retrench; (2)

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it is difficult to question, much less change, habits and tenets that take up attributes of universal truths inside a functioning and dynamic industry; and (3) it is against the unspoken rules and anticapitalistic to impede free competition. The airlines, like the federal agencies that regulate them, have made "free competition" synonymous with the quality of public service: the constant inference is that any restrictions will jeopardize the public's welfare.

And the reasons are partly governmental: the CAB has made it difficult for the airlines to cut down. Last September, American, TWA, and United, finally seeing the handwriting on the wall in terms of unacceptable losses, made a unique application to curtail capacity by requesting that ceilings be placed on the number of available seats offered on selected long-distance routes on which the load-factors were only 40 percent, leaving to the companies the option to withdraw services within modest limits. In November the CAB rejected the application on antitrust grounds.

Can it be that they see the public interest being served by hundreds of millions of gallons of excess fuel being burned in the atmosphere? A mere 10 percent flight reduction would represent a savings of approximately 850 million gallons annually at the present rate of consumption. Can it be that they see the public interest served by having aircraft circling dangerously saturated airspace, waiting to land? Can it be that while no one wishes these results, public officials tied in to archaic systems, and possibly to narrow interests, create and maintain by their policy decisions the very conditions leading to inevitably disastrous results?

All is not lost at the CAB. Some members, including Chairman Secor Browne, have long been in favor of, or now see the wisdom of capacity reductions, and the Board's objections to the September application are now viewed as procedural: it could not be approved because the three carriers met behind closed doors without asking prior governmental approval – a breach of antitrust law so flagrant that cynical observers within the industry suspect the carriers' application was not wholly serious. Be that as it may, and while the Board is against "pooling" – an arrangement much in use outside the US wherein competing carriers (usually nations) mutually establish flight frequency and size patterns, and share revenues and expenses on given routes – it has announced it would be receptive to receiving definite and precise airline proposals that are properly initiated, for markets of substantial size where low load factors prevail.

How far the reforms will extend in practice is not clear. In all likelihood, the airlines and the CAB will not find anything amiss if load-factors can be corrected up to the 50-52 percent level, with the free-for-all to continue above that, thereby satisfying themselves that the present system is kept almost wholly intact, the airlines would once again be making profits, and the reductions in frequencies would not be injurious to the travelling public. If such be the extent of the remedial steps, and there is reason to believe it is the maximum to be expected, it is a solution befitting a society that disregards the costs of pollution, waste, and economic sense.

A rational policy of scheduled commercial aviation should aim at load-factors in the vicinity of 70 percent between hub cities – a figure which, under the present system, airline management in this country considers preposterous, though it is often realized and even surpassed on some inter-European routes, and was common in this country in the pre-jet era of the early fifties. With the assiduous use of computers, airline marketing statistics and probability studies, the carriers should restructure their schedules to meet such a figure, and subsequently keep their excess aircraft on the ground in active reserve, strategically placed to be readily available for increased demand prompted by special events and peak periods.

This system can be carried a substantial step further. With carriers knowing approximately how many passengers to expect on any given flight on any given day (they have this information now), and building in a comfortable reserve for chance error and variability, a large part of the advance reservations systems now costing the airlines dearly, could be abandoned. Passengers arriving at the airport would merely supply the ticket agent with their names and addresses, which would be immediately entered on the flight manifest. When more passengers turn up than the computer probability studies have predicted, as will certainly happen from time to time, or when seasonal or special events indicate a greater demand, aircraft from the reserve supply would be immediately put in service – or where operationally feasible, a larger aircraft would be substituted.

With the hundreds of millions of dollars saved by having fewer planes in the air, and communications and personnel expenses measurably reduced, the airlines could not only enjoy very substantial profits, but they could likely reduce fares to an extent that they could not only fill those portions of their fleets voluntarily grounded, but the mountains of giant aircraft they have on order. All parties stand to gain: the airlines, the manufacturers and suppliers, the travelling and nontravelling public, and the country.

In an era when costs and wages are rising steeply, the airlines are correctly claiming their costs are soaring, but they neglect to mention the anomaly of modern commercial aviation: *the available seat cost per mile is now less than it has ever been.* The case for higher fares is justified only in terms of rewarding the airlines for their past mistakes. Are the airlines to genuinely operate for the benefit of the widest possible public, or are they to pay them lip service while they make profits at 50 percent occupancy?

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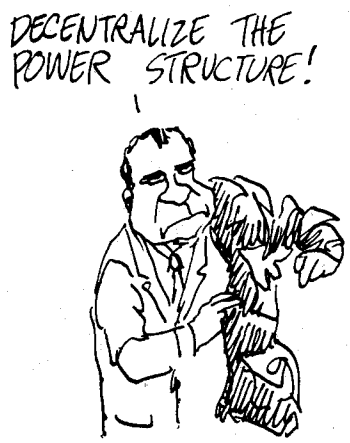
JULES FEIFFER



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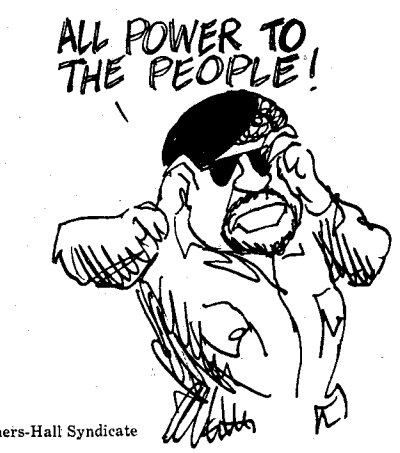

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THANK YOU. IN NEXT MONTH'S SPEECH ON FOREIGN POLICY I WILL DO MY IMPRESSION OF GANDHI.
CLAP CLAP CLAP

Stanley Kauffmann on films

Bed and Board

(Columbia)

The Reckoning

(Columbia)

At the press screening of *Bed and Board* they gave us copies of a recent interview with François Truffaut in which he spoke at length of his admiration for the high Hollywood days and for the directors who could do three films a year. His new film makes clear that he is really speaking out of envy. In one sense Truffaut can be called a Hollywood director without a Hollywood.

Truffaut was one of the first *auteur* critics, in the early 1950s, one of those who proclaimed the greatness of those Hollywood directors who, far from being shackled by the assembly-line studios, the taboos, the vulgar script distortions, were stimulated by the difficulties of their work-conditions. The triumph, said the argument, was that these directors put their personal imprint on their assigned material through their shooting and editing style, and the fundamental virtue in their work is the tension between their talent and the limitations of show biz. It's a bit like Tevye, the impoverished milkman, rationalizing himself into feeling rich, still this view prevails among many (even though some of them, without changing their views, now boast that they no longer use the word *auteur*).

In daily Hollywood practice, what it came down to was that directors under contract to a studio were supplied with scripts by the studio. The director was simply one step, though a major one, in the manufacturing process from studio executive to consumer. If the director was big enough, he had the right to decline scripts – a limited number, anyway; and the ones he accepted soon provided a graph of his temperament and talent. But he didn't have to find his subjects himself – certainly not *in* himself – as artists, film or otherwise, have usually done.

This, I would guess, is the aspect of Hollywood that Truffaut misses most. He has seemingly run out of sources, novels or other materials that genuinely spark him, and even his latest autobiographical films have been thinned out into entertainments. Heaven, for Truffaut, would presumably be the chance to work in an old-time studio with no responsibility to originate material, with a front-office that bombarded him with scripts, some of which he was obligated to direct. What a happy misery. Nothing to do but direct, just as if directing – in that merely executant sense – were filmmaking.

His last previous work, *The Wild Child* was mildly interesting. In the threadbare film world, some are now calling it a masterpiece that failed at the box-office because its spirit was meliorist in a nihilist age. Possibly. For myself, I couldn't see why people should flock to a picture that was only moderately rewarding, whose factual material was untransformed and unenriched, and whose tone was sentimentally simplistic. Still, it was a small recovery in Truffaut's career. With *Bed and Board* he retrogresses.

This film completes (?) his life-story disguised as Antoine Doinel. The first instalment was *The 400 Blows*, then there was an episode in the anthology picture, *Love at Twenty*, then the pleasant *Stolen Kisses*. But there was a great discrepancy between the first Antoine and the hero of that last film, and it's no easier to believe in the wholeness of the character now that the story is concluded.

Here we have Antoine newly married to Christine, scraping up a living briskly and merrily (ah, Paree!), frisking with his wife, having his first extra-marital affair. That jolly Latin Quarter courtyard (out of René Clair), those happy-happy tradesmen, the downstairs bistro owner with a taste for culture, the bar-girl who lusts tastefully after Antoine, the colorful neighbors, including an opera singer (Clair again?) – they are all there, *mes amis*, as they have been there for forty years. Antoine has an affair with a Japanese girl; a job with an American company; a reconciliation; a baby.

Besides the scent of Clair, there are other "in" references (often called *hommages*), including a bit by Jaques Tati. Truffaut also gives his bistro owner one of the oldest Hollywood jokes. *Viz.*, MGM had a man on its staff to think up titles. A desperate producer asked him to title a picture in a hurry, no time to see the film. The titler asked: "Any trumpets in it?" "No," said the bewildered producer. The titler said grandly, "Call it *Without Trumpets*!" Truffaut includes the ancient wheeze here as if it were new. *Hommage?* Gall?

Style is what is being hailed in *Bed and Board*, but charm is what is being merchandised, as calculatedly as in any France-for-export film of the 30s. Jean-Pierre Léaud is again Antoine, again exploiting his best asset – a private, introspective quality on which the camera seems to be intruding. Claude Jade is again the girl, to no special effect. Some other old Truffaut hands are on deck, like Pierre Fabre and Daniel Boulanger.

But for all the incessantly pumped *bonhomie*, the picture sags, with no such nice touches as the shoe-shop encounter or the lovelorn stranger in *Stolen Kisses*. If an artist's autobiography doesn't nourish his work, he *is* in trouble. Truffaut badly needs something in his life to fertilize his art, or he will indeed become – as I was worrying some time ago – a mere talented filmer of concocted scripts. Which is what he seems to want.

Jules and Jim and Catherine, you arrived less than ten years ago? Incredible.

On the other hand, *The Reckoning* deals with good material and does it clumsily. It was directed by Jack Gold, who did the sententious *Bofors Gun*, and it was written by the same author, John McGrath, from a novel by Patrick Hall. It also has the same star, Nicol Williamson.

The theme is good. A man from a Liverpool Irish slum family works his way up in London, has a slick sales-executive job, a Jaguar sedan, a tiger wife. There's a strong streak of violence in him, which is insufficiently satisfied by business strife and marital tussles. His father dies as the result of a beating in a Liverpool pub, and the high-powered executive becomes a primitive hunter, looking for the assailant, a young motorcyclist. He wreaks revenge. (Though it's not clear

(Continued on Page 35)

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Reed Whittemore: Preservers and Destroyers

The View from Tower Hill
by John Braine

(Coward-McCann; $6.95)

Didman
by John Speicher

(Harper & Row; $6.95)

The sex competition among novels has been fierce lately, and if it continues we may well have to define what is left of the novel merely as a form of writing devoted to carnal life. I say "what is left" because I am one of those old fools brought up to expect more than sex from a novel – to expect people, social life, insights into the human comedy (or tragedy), war, horse racing, bingo, etc. I was also conditioned to a preference for a *kind* of novel increasingly hard to find, the novel of manners. I have never been sure what the novel of manners is, but I am positive that the sexual revolution has been working for its demise. The revolutionists keep proclaiming that manners, no matter how broadly conceived, are either wrong or unimportant; and the revolution has indeed been a long and exhausting exercise in trying to dispose of manners. Some manners do now seem on the ropes, at least in the US.

In England the revolution hasn't gone so far. England is hardly backward sexually, but the literary tradition is so much more firmly built in there that many literary conventions, in verse as well as prose, that have been bludgeoned to death here, are still thriving there. John Braine's new novel is an instance of the kind of conventionality that has been howled out of New York publishing except in the real slickies – westerns, mysteries, soap operas. If you want to look serious about fiction among the big-city entrepreneurs now, you have to dislike the novel's mannerly past aggressively.

Not that John Braine fails to compete with his bedridden American peers in bed scenes. He is more explicit about sex than any contemporary writer I can think of (exception, Dr. David Reuben); but having thus established that he does know what noveling is now about, he goes on. *The View from Tower Hill* presents us with a twenty-year saga of old-marrieds, together with the separate affairs the husband and wife are eventually driven to, with a grace and fullness of perception that will surely make many younger readers find it irrelevant.

Also it beats around the bush. The novel of manners tends to conceal, veil, subdue or at least postpone confrontations, franknesses (so, it should be added, does the life of manners). People do *not* always say all they think, but oddly, they are not necessarily turned into empty bourgeois automatons thereby; their comparative reticence may even enrich rather than impoverish them. At least John Braine operates on this assumption. He works to display the tension between the said and the unsaid, and to trace the progress of the unsaid *into* the said. We watch the awareness of marital woe grow in Clive and Robin; we see it finally burst out like the measles overnight; and then we watch the return to a sort of health.

Now without this doubleness of the said and unsaid the revolutionary novelist is stuck with a cast of frank boneheads who keep telling each other off, and who have then nowhere to go except out. I mean that the confronters can't live with each other; accordingly they dictate that they exist only in novels of exits, wanderings, casual acquaintances. John Braine's characters do live with each other – which is what at root a novel of manners is always about.

As I recently wandered lonely as a cloud through half a dozen bad new frank novels, I noticed that the authors' focus was generally upon a single male or female busily peripateting it from pad to pad or brawl to brawl. Maybe we used to call this sort of thing the picaresque novel, but now it is just the novel, and it is god-awful thin. Braine on the other hand imagines a certain amount of stability, a continuing interaction between key figures throughout the book – and this means that he has to project himself imaginatively beyond the singular thoughts of any one character, as the peripatetic novelist (who is usually writing about his own wanderings) does not. I don't know that I'd call Braine's novel well made in the old sense, but its whole being is certainly conditioned by old-time assumptions: a stable social and familial order, lives with inherited obligations and decorums. These preliminary assumptions are what separate Braine from vogue in the US. If we look for his equivalent over here we have to look among the no-longer-very quick or the dead – to Marquand, Cozzens, O'Hara, a number of Southerners. Last year one of our reviewers announced the end of the Southern novel (see *The New Republic*, May 9, 1970, Jonathan Yardley on Eudora Welty), and perhaps he was observing the same phenomenon.

So, here is John Braine, who still does have, largely because he is not an American, a complicated and interesting problem in blasted old human relationships on the agenda for his novel. This is where he begins, and for my money where he begins gives him a big advantage over his American competitors. True, what the Americans have been driven to has possibilities also; at least it has, superficially, many fine precedents in Homer, Cervantes, Defoe, Fielding and many others – that is, precedents in all the old tales that move beyond stability into war, open spaces, hell and heaven. The wanderer tradition began with the epic; it is still afloat and I couldn't diminish its buoyancy even if I wanted to; but I am struck by the fact that when man has in past literature wandered archetypically over the face of the earth, he has been – except in a few cases like that of Cain himself – on a sort of temporary detached service from civilization; that is, he has left it but is trying to get back; or he has left it and is searching for a civilized

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substitute for it (like the heavenly city). He hasn't been *just* wandering. Certainly it is fair to say that most of the tradition of the wanderer has, somewhere in its pages, a home port – or plans for one. Where is that home port for our American wanderers now?

One can reply, thinking of the fragile and declining stability to be found in the society of the new Braine novel, that the available ports even in England are no longer worth much. But even if that is in part so, still the contrast between the assumptions about society in the Braine book and almost any contemporary American novel one can cite is striking. My instance here is John Speicher's new novel.

It has of course all the necessary sex, lusciously crude and pervasive, but it is ambitiously devoted to Black Studies and revolution too; it is in this sense much fuller, more complex, than most of the surrounding sex junk. It looks first like a modern picaresque affair – or perhaps panoramic would be a better word; at any rate not a dramatic or well-made novel – with the white hero departing at the beginning from the home port of the middle-class publishing world in New York, and the home port of a bitchy, spoiled middle-class wife, departing for the urban hell of black, inner-city America, there presumably to have adventures after the pattern of, say, *Moll Flanders*. But this pattern, operative for the first half of the book, is then abandoned in favor of a dramatic form, with the black world with which the hero finally allies himself set against the white world he began with. Does the switch put it in the same league with the Braine novel? Hardly. And does the switch provide a genuine alternative to the home port he has left? Again, hardly. The black-white dialectic is evoked solely for the purpose of making the hero's rejection of the white culture firmer than it had been during the first half of the book. In other words there is no drama here at all, no tension. This is a hate book, by a white man who seems to have followed something of the pattern of his hero in his own life and now regards himself as wholly outside the bourgeois frame without being anything but a misfit in the anyway shaky and (as pictured) wholly nihilistic revolutionary alternative.

Speicher is deathly serious, he is not fooling around. I wouldn't for a minute class him among the phoney counter-Kulchurists we have so many of now. The intensity of the repulsive vision he gives us of New York is matched by the intensity of his disapproval of the whole white shebang. He is anti-civilization in all the ways that whites have known it, and therefore in my mind a good case to bring up at this point in novelistic history. He would perhaps like to be thought a kind of white Leroi Jones, having gone beyond the bounds of the novel just as Jones now professes to have gone beyond poetry, gone beyond it because the genre itself is irremediably tainted. And perhaps with both Speicher and Jones it is now beginning to be possible to see what "going beyond" means. There are, for example, many different definitions one may give of a novel – and certainly no one has ever been very sure what a novel is – yet the limits of its possibility would seem to be somewhere where love ends and hate becomes all there is. Root misanthrope. Like Timon's. Like that I think falsely attributed to late Swift.

There will be those who say this is nonsense. The Speicher novel is a sociological novel and that's that. Very well. I agree that it is full of the usual stuff about the state of things in the big city. And I don't mean to suggest that novels and sociology are unmixable. But there must, I insist, be a little love somewhere, a little affection for vice and error, for failing humanity even when that humanity is the exasperating white humanity Speicher is reacting against. To find no possibility of accommodation for one's own kind is indeed to be thrown out on the ocean as a wanderer, like Ahab but with no Starbuck (or Melville) as a companion. It is also I think to give up literature – which may be, as somebody in *King Lear* said, a trifle here. Anyway, trifling though it may be, literature doesn't, I think, have room for *Didman*. Didman definitely *means* its dreadfulness, but reading it is largely an exercise in toughening up, not illumination, and certainly not pleasure.

John Seelye: Placing Names & Naming Places

American Place Names: A Concise and Selective Dictionary for the Continental United States of America

by George R. Stewart

(Oxford University Press, $12.50)

As an inveterate bookstore browser I am accustomed to finding George R. Stewart's name practically anywhere, whether under "Fiction" or "Criticism" or "Biography" or "American History" or "Natural History." Nominally a Professor of English (now Emeritus), George Stewart is, like his fellow Princetonian, Edmund Wilson, a Man of the World of Letters. He addresses a less select audience than does Wilson, but he has equalled if not bested him in achieving command over a number of disciplines – to say nothing of genres –and his mind and style continue to display vigor and discrimination.

Except for a few specialized works – his early biography of "John Phoenix," a California humorist, for example, or his more recent study of English prosody – Stewart has chosen to write for the mythical but statistically omnipresent "general reader." This has always been a dangerous course for the academic, who aims for a wider audience at the risk of losing his professional reputation. Even if he succeeds, there is a good chance that he will be ostracized as an Osterizer, a bland "popularizer." But George Stewart moves with impunity and ease in both worlds. Having from time to time demonstrated that he *could* do the academic thing, footnotes and all, he has

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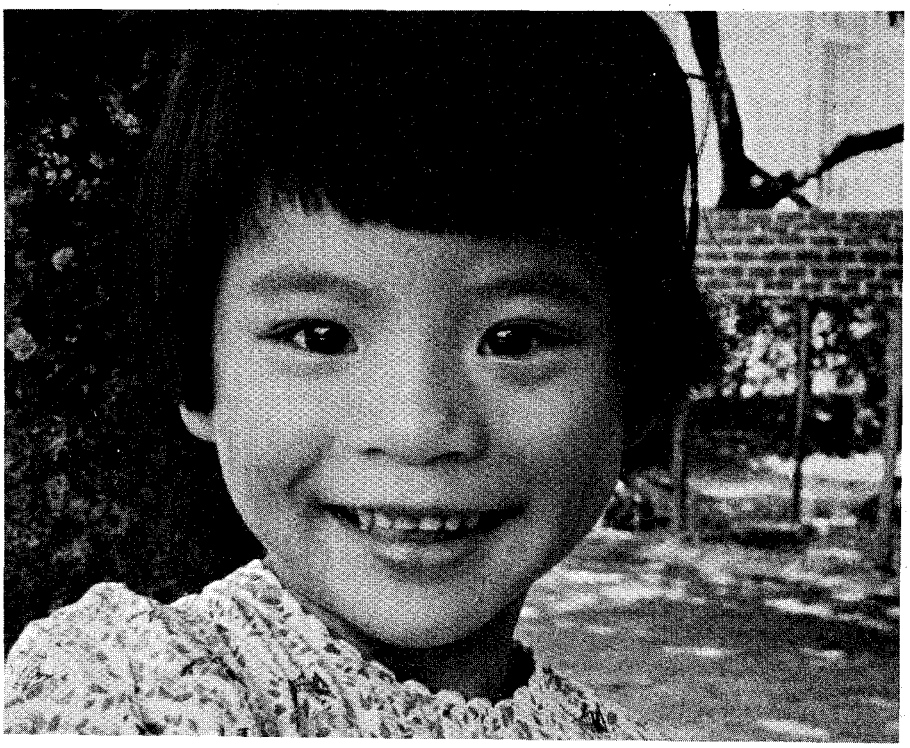
earned the invisible license to roam about, resulting in *Wanderjahres* which have produced some of his best known works.

In a sense, Stewart's is the ideal role of the scholar in a democracy, which is to inform his fellow citizens of the nature and origins of their institutions, celebrating those institutions when possible, condemning them when necessary. Stewart has performed these services at length and well, informing, celebrating, and condemning, evincing a broad humanity and an equally broad range of knowledge which will not, I think, be found soon again in the academic community. He is a sort of naturalist of American life, and though regionally based in California, he must feel as most of us do who have spent (or done) time in that state, that as California goes – for better or worse – soon enough will go the nation.

Stewart's most recent work, *American Place-Names*, is a capstone which holds the others in place, topping off both his scholarly and his popular careers. He is, in a very good sense, an old-fashioned scholar, and his *Dictionary*, like Noah Webster's, is as much a personal document as it is scholarly in execution and nationalistic in implication. It is personal in that it was inspired by an abiding passion of the author, earlier expressed by his classic study, *Names On The Land* (1945), a passion reflecting both the traditional, philological training received by scholars of Stewart's generation and Stewart's own, even idiosyncratic, fascination with the symbols of the unfolding American consciousness.

Like Webster's, Stewart's *Dictionary* is a life work. In the conclusion of *Names On The Land* – which serves as a prolegomenon to the present volume – he suggested that such a dictionary was needed, and called for American scholarship to produce it. But postwar scholarship was busy elsewhere, hustling grant money with hot topics which have long since cooled in the oblivion they deserved. The dustjacket informs us that Stewart worked alone on his project, without benefit of the customary assistance of a legion of graduate students. Thus *American Place-Names* is his book in all senses, the result of some thirty-odd years of devotion, with reliance on only a small number of regional compilations. Like so much



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that Stewart has produced, it is wholly innovative, yet an instant classic, comparable in this regard to his documentary novels *Fire* and *Storm*.

Unlike other innovators, novelists like Norman Mailer or critics like Leslie Fiedler, who write books which are at first greeted with indifference or hostility, only later to be recognized for their importance, George Stewart is always happily in tune with prevailing harmonies, while remaining genuinely inventive. Perhaps this is because he is not only an innovator, but a man who speaks to the whole condition of humanity, not just the world of letters.

As *Names On The Land* (a title which marches as sturdily out of thirties as *Grapes of Wrath* and the various WPA writers projects) demonstrated, the changing nature of American society is perfectly expressed by the broad belts of names that follow the meridian lines across the face of the nation, from the pious biblical sites of New England to the raffish miners' mintages in Nevada and California. Naming not only renders the unfamiliar familiar, but the choice of a given name serves to record the expectations as well as the associations assigned to a location. There is a primitive poetry in place-names, also, and Washington Irving (who is indirectly responsible for a number of American names) early discovered the romance inherent in Indian names. Walt Whitman later made music out of the rich, polysyllabic lists of American places and rivers – without however adding his own to the map.

And who can forget, who has read it, Major John Wesley Powell's account as he was borne pell-mell down the Colorado River of his naming some of the last christened (and still least attainable) places in America, running through friends, relations, leaders, celebrities, descriptions, literary and biblical allusions, and, where possible, adopting aboriginal and Spanish names, producing in effect a catalogue of the kinds and rationale of names across the land. The giving of names to prominent aspects of the landscape is a cartographic necessity, hence Powell's efforts; but it is part of the imperial necessity also, like the making of maps an expression of the territorial imperative. It not only renders the unknown known, but puts the stamp of the individual as well as general humanity upon those blank surfaces, a primary means of taking possession. If *Moby-Dick* is among other things a parable of the imperial urge, there is some meaning in the Whale's not having chosen his own name.

Americans have long since reached the point of renaming places, changing, for example, Cape Canaveral to Cape Kennedy. For there is little left to start fresh on; even the peaks and craters of the sterile New Frontier, the Moon, had been named long before the astronauts arrived. The luxury of available space, which made miners so cavalier (and obscene) in selecting names for the ground which they pillaged, has long since vanished, and we now need to heed the warning of a book which George Stewart wrote while in the midst of compiling his dictionary, *Not So Rich As You Think* (1967, but reissued last year as an NAL paperback).

Because we are now reduced to spray-painting our own names on America's few remaining blank surfaces. As with an old love, we have become too familiar with what was, so recently, a strange and wonderful face, full of mystery and romance. I hope that it will be a role of Stewart's latest book to remind us of that initial wonder, and by so doing to instill in us some respect for the landscape before it is too late.

Peter Passell and Leonard Ross: Shale Chimera

The Elusive Bonanza by Chris Welles

(E. P. Dutton; $7.95)

The facts are simple. Eight trillion barrels of oil are locked in rocks in Colorado, Utah and Wyoming, enough to fuel America for hundreds of years. At present prices, this oil would be worth over $20 *trillion*. Most of the rocks are federally owned, though some are leased by oil companies. Neither the federal government nor the oil industry is doing much to develop this resource.

Why not? The official litany of the oil industry is that it costs too much. Welles' careful study suggests that extracting oil from rich Colorado shale is almost profitable at current prices. But almost is not enough for the oil barons, nor for that matter should it be. There is no harm in letting $20-trillion of oil slumber in the ground if it would cost $21 trillion to extract.

A more intriguing question is why so little research is going on. A ten or twenty percent cut in extraction costs – by no means an inconceivable dividend from research – could make somebody very rich. Although half a dozen oil companies have bought up shale land, only one is spending large sums in the lab. In contrast, the industry has plunged with enthusiasm into the hazardous task of exploiting Alaska's North Slope discoveries. The prize for drilling and shipping from this frozen-over hell is ten to fifty billion barrels of oil, less than one percent of the amount buried in choice shale lands.

Again, it is likely that the costs and risks of shale research simply outweigh the rewards. But, as Welles' interviews make clear, the risks perceived by oil companies aren't just those of the market place. The petroleum industry gets by with a little help from its friends, in Washington, Austin and other oil-drenched capitals. Over the past forty years it has constructed a labyrinth of privilege against taxation and competition. The famous oil depletion allowance and some second-string loopholes keep the tax collector from the door. Foreign competition is shut out by import quotas imposed "in the interest of national security." Regulatory commissions in the producing states limit crude supplies to keep prices high.

A successful breakthrough in shale technology could threaten this cozy status quo. Dramatic reduction in costs might tempt a shale oil producer to lower prices, undercutting the oil cartel. The political viability of import quotas would be jeopardized since the industry could no longer justify protectionism on the grounds of national security. Tax privileges would have to be defended in public once more if the shale oil producers vied for equivalent exemptions.

Hence the oil establishment is reluctant to rock the boat by promoting shale exploitation. Individual companies are deterred from research by the industry's potential for political self-defense.

Seemingly, then, the government

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should intervene, performing the research which private firms are loath to undertake. But here the argument encounters a snag which Welles barely mentions. American oil prices are more than one-and-one-half times world levels, thanks to the import quota system. Why should we invest hundreds of millions in shale research when the price of foreign crude is far below the foreseeable cost of shale oil?

If the government were minded to seek cheaper oil it could simply abolish import quotas and save consumers $5 billion a year. It makes little sense to gamble on improving shale technology so long as the obstacles to lower oil prices are entirely self-imposed.

Research is not the only false temptation for government policy. Pressures are mounting for the Department of the Interior to offer leases on the public shale lands and abandon challenges on a myriad of private claims on the public domain dating from the nineteenth century. New leases would be sold by auction, but the net result might still be a giveaway. So long as shale development is subject to political risks private bidding would understate the true value of government lands. There is no reason to throw shale on the block until its profitability is better established. Pending that day, we would do better to restore competition in conventional oil production than to rely on shale for salvation.

Jonathan Yardley: A Novelist Groping

The Paragon
by John Knowles
(Random House; $5.95)

John Knowles' first published novel, *A Separate Peace*, now a decade old, is a minor but very nearly perfect piece of work: a tight, cohesive account of the corruption of innocence that is not merely the finest "prep-school novel" but a genuine work of art. Such early success, however, has its all-too-familiar pitfalls. Since *A Separate Peace* Mr. Knowles has been foundering – writing with characteristic grace and intelligence, but groping uncertainly for new subjects and themes.

The uneasy process continues in *The Paragon*. As it happens, I like the novel very much, finding it engaging, amusing and thoughtful. But for all its considerable charm, *The Paragon* doesn't quite come off. It is too derivative of *A Separate Peace*, echoing it in setting, dramatis personae, mood and theme. It is also inherently false in tone, for it is a sixties novel in a fifties setting, with resultant credibility problems that greatly weaken it.

If it is hard to dislike *The Paragon*, the chief reason is its title character: Louis Colfax, back at Yale as a sophomore in 1953 after an abortive stint with the Marines, "tall, fair-skinned, dark brown hair, all in black, walking with brisk grace, nervous, big smile, jittery, intelligent, incorrigible, basically desperate . . . startled, pristine, astonished, threatened." He is the innocent incarnate, Natural Man ("I worship nature, and people, and most of all people in nature"), ceaselessly warring against repressive and conformist society. But he is also the latest in a long line of wild New England eccentrics, so he desperately resists his desperation. He is "like some incredibly twisted, convoluted, self-strangling plant, . . . nevertheless putting forth . . . a beautiful foliage, . . . seeking the sun, seeking survival."

In other aspects, the novel is equally successful. Lou's roommate, the quintessential prematurely middle-aged prig, is portrayed with delightful malice – and some sympathy. Yale itself, though obviously high in the author's affections, comes in for some deftly administered lumps ("A Bastille psychology had dominated its construction . . ., girding the campus for obviously imminent attacks by mobs of storming townspeople"). From the campus radicals to the Yale *Daily News*, the objects of Mr. Knowles' satire are numerous.

The satirical emphasis of *The Paragon* is, in fact, the most important area in which it differs from *A Separate Peace*. Lou Colfax is plainly an amalgam of the latter novel's two main characters, and the change from Devon School to Yale University is no real change at all. Also, the themes of betrayal, accommodation and corruption are central to both novels.

But the trouble is not in Knowles' sticking by his settings or themes; rather, it is that one gets no sense of

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growth in *The Paragon*. *A Separate Peace* may be a miniature, but it is a wholly realized work of art in which a world is created and made believable. *The Paragon* attempts to re-evoke that world but ultimately lapses into imitation.

Of less consequence but annoying are the anachronisms – Joe McCarthy and John Foster Dulles mixed in the period; but the novel is riddled with insights, attitudes and events out of the sixties: a black who calls himself an "Afro-Brazilian," a minister bemoaning "the whole general breakdown of moral tone not to mention law and order," a dormitory drug session.

The Paragon is not the novel that *A Separate Peace* is, but Mr. Knowles remains a writer of very real importance. In this new book he seems to be engaged in his own artistic struggle, something no one has yet invented a way to bypass.

Revolution as Theatre *by* ROBERT BRUSTEIN, *an* NR *contributing editor, is being published in February by Liveright. Parts of the book first appeared in* The New Republic.

Lionel Tiger: An Experienced Anti-American

Words and Occasions by Lester B. Pearson

(Harvard University Press; $10.00)

Canadians are among the most experienced anti-Americans in existence. At the same time, with the possible exception of the miserable South Vietnamese, they have the most elaborate and extensive involvement with American life and policy. Lester Pearson was not only a Nobel Peace Prize winner and UN poohbah but also the Leader of Canada's Liberal Party and Prime Minister until 1968. As such he had always to be independent enough of US policy to satisfy his own scruples and Canadian political demands, but allied enough with the NATO business for North American defense to have some at least superficial coherence (and incidentally to try to give Canada an independent voice in European affairs).

One of the charges frequently brandished at Pearson in Canada is that he was insufficiently decisive and unduly mandarin in political struggles. Aside from what he actually did, his writings in *Words and Occasions* show how this impression was given. Not only does he lack the icy confident hatchetry of a devoted cold warrior, or the neo-Biblical Sousa-prose of a Kennedy, but he is also publicly ironic and gently mocking, even of himself. The quality of the man perks through the words, and gives this collection spice and charm.

Pearson was relatively fortunate to be Prime Minister before the deluge. His options were clear. There was no point in joining that shabby letterhead, the Organization of American States. And who could support the excoriating American obscenity in SE Asia? So it was no big deal to trade a little with the Cubans, or to obscure the problems of English – French-Canadian relations by the surrealistic triumph of finally producing an indigenous Canadian flag, the pleasant sanctimonies of the 1967 Centennial, and the authentic triumph of Expo in Montreal.

But, as we have just seen, the encounter of the Canadian tribes will be more fraught and perilous in the future, and the "longest undefended border in the world" will become the fulcrum for much prying and maneuvering as Americans run short of minerals, water, land and trees, which Canadians have and for which prices will sharply rise. So will the psychic cost of doing business between the two countries, as Canada's efforts increase to gain control over its own economic and cultural life. Pearson indicates awareness of all these issues, but he had not to deal with them stringently and in haste; it is typical of his generation of Canadian politician that his greatest trial and triumph involved the Suez Canal. Mr. Trudeau has not had that

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PETER PASSELL *is assistant professor of economics at Columbia University. Former editor-in-chief of the* Yale Law Journal, LEONARD ROSS *is a teaching fellow at Harvard Law School.* LIONEL TIGER, *associate professor of anthropology at Rutgers University, is the author of* Men in Groups *(Random House).* JONATHAN YARDLEY *is the book editor of the* Greensboro Daily News. JOHN SEELYE *teaches at the University of Connecticut.*

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luxury so far, nor is it likely his successors will. While Pearson's memoirs will tell the story more fully, this agreeable book is a useful guide to How It Was.

Notable

In This Sign
by Joanne Greenberg

(Holt, Rinehart and Winston; $5.95)

Joanne Greenberg has made a career of describing the troubles that beset the handicapped. Her best known novel, *I Never Promised You a Rose Garden,* was published under a pseudonym but definitely bore her mark: it explored the difficult return to health of a girl suffering from grave emotional illness. Now comes Mrs. Greenberg's new book, about a deaf couple who plunge into debt when they are unable to hear a salesman explain the terms on a car. The misfortune drains them of lightheartedness and turns their daughter into a tangle of nerves. Such a woeful tale is inherently moving, but this one lacks the impact of *Rose Garden,* which had the advantage of focusing on the interior life of only one character. Like the earlier book, *In This Sign* is constructed of unobtrusive prose, but here the unobtrusiveness merely seems inadequate.

The Military Establishment
by Adam Yarmolinsky

(Harper & Row; $10.00)

This is an intelligent and comprehensive nonbook, produced by a committee with Adam Yarmolinsky as "research director." The physical growth of the military establishment – in terms of men, machines and money – is traced in solid but not excessively statistical detail, as are patterns of military thought and influence. What is missing is a sense of immediacy; the volume is a fine compendium of information, but contains no primary source material. Also, its many judicious observations are so thoroughly filtered by bureaucratic qualifications that, again, the impression is always of things well-worn, second-hand. Perhaps Yarmolinsky would do well now to compose a second and shorter volume, in which he puts only the matters he thinks most urgent. Unquestionably, however, the present volume would be a firm and essential base.

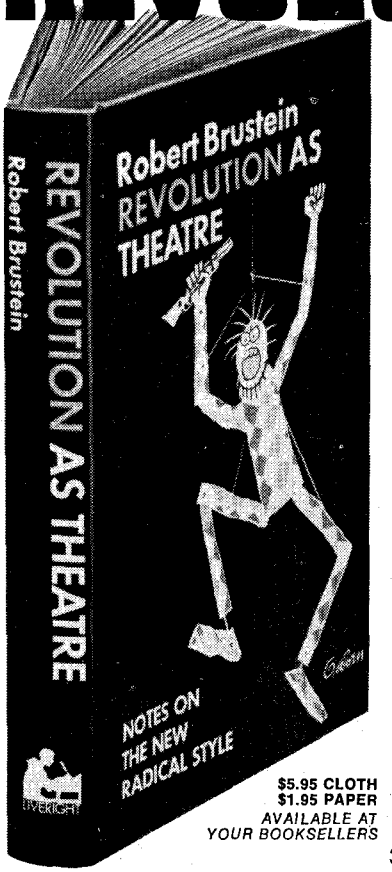
Among the many concluding recommendations, perhaps the most worthy of personal advocacy are a number of proposals for eliminating "the automatic priority for military spending that has prevailed over the last decade." Yarmolinsky suggests that the military should be recognized as only "one of a number of valid claimants" for top priorities and suggests, for example, that in place of the present draft we establish "a national service pool" where the individual's service to his country, whether voluntary or required, would be a service to which other social agencies than the military would also have recourse. By such a device "the military would have the benefits of a public policy declaration in favor of a priority allocation of manpower as befits a critical public function, but it would not be identified as the sole repository of the responsibility for safeguarding the nation's security and its most sacred values." That last sentence contains elements of the book's characteristic prose, but it also contains the seeds of perhaps the major theme of the volume: Our country's civilian life is increasingly under the influence of the military, but the military life is increasingly under the influence of civilians; for the good of both we badly need to do some intelligent sorting.

Up the Sandbox!
by Anne Richardson Roiphe

(Simon & Schuster; $4.95)

The tone is nonchalant, but don't be fooled by it. This is an inventive novel. Quietly, the author tunnels into her bemused heroine's psyche. The story alternates the inner musings of Margaret Reynolds – a young, sensitive mother, as she watches over her two small children at a playground along Manhattan's upper Broadway – and Margaret Reynolds, a creator of outrageous dream episodes. The gears are continuously shifted, almost imperceptibly. And the fantasies themselves (ie. blowing up the George Washington Bridge with a team of black militants) are bizarre concoctions, sometimes absurd, at all times exactly feminine.

REVOLUTION AS THEATRE



NOTES ON THE NEW RADICAL STYLE

ROBERT BRUSTEIN

Using his extraordinary grasp of the theatre, Robert Brustein, Dean of the Yale Drama School and prize-winning critic, examines campus turmoil, radicalism versus liberalism, the fate of the free university, and the new revolutionary life style.

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"Brustein's observations are logical and thought-provoking. He is in sympathy with the radical movement, but also frustrated by its own apparent repetition of the very things it is trying to destroy.... This is a thin book with fat thoughts, and should be read by those concerned with political crises today."—*Publishers' Weekly*

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Television

Two Immodest Proposals

The science of hypnosis is not my science, but as one who must play guinea pig to some of its most eminent practitioners I feel I have a right to speak anyway. All advertisers would like to hypnotise me; so would many TV producers, the ones who borrow advertising techniques to sell me their dramatic or journalistic wares. Let me start with a basic instance: a Pepsi-Cola ad. At the rate of 30 or so substantively different images a minute (the producers are capable of stepping it up to several a second), a composite view of the American scene flashes at me, with famous faces mixed in with mothers, children, muscles, bosoms, beaches, and naturally Pepsi. My eyes take most of these shots in as discrete entities, but my poor old mind does not; there they all mush together like different ice cream flavors in a thawing freezer, a mushing hastened by the celebrated Pepsi musical theme, with its quiet beginning and intense, screechy end. My mind is left with a mud in which Pepsi is so firmly imbedded that America the Beautiful seems, for the period of the hypnotic condition, merely a Pepsi bottle.

There are hundreds of ads like the Pepsi ad; it is a sort of archetype. It defies, as far as I know, legal action against it. The company will never be persuaded that the ad tells a fib about Pepsi. And though the ad does tell a monstrous and continuing fib about Pepsi, by suggesting that hundreds of intimate, meaningful alliances exist between life (energy, beauty, love) and that insipid drink, I can't imagine the FCC or any regulatory agency taking action against the fib – it is the fib that launches a thousand commercial ships.

Anyway one could argue that the fib, as practiced by Pepsi, is a white fib; and while I am not persuaded of its whiteness I will agree that it is less black than a good many extant fibs – for example, those emanating from the PR section of the Pentagon. So what to do? My point is that we should get after the Pepsi people and their kind by devising measures to control their advertising *techniques*, rather than (or in addition to) trying to make honest the substance of their propositions. One could ban, for example, or limit quantitatively, the "flicker" technique in the Pepsi ad.

Many and diverse are the ways of hypnosis, but they can all be described as deliberate attempts to take over somebody's mind, and are therefore, among other things, acts against the freedom of that mind. To the objection that the mind can always change the channel the answer is that the hypnotist does all he can, with such resources as the "flicker" technique, to keep the mind pinned there – and while a strong mind can resist, even strong minds are at their weakest lounging in front of the tube. Also, my impression is that the most hypnotic techniques are directed less at strong Miltonic adults than at children; think, for example, of the interminable speedy flickering in cartoons.

The fine, swinging numbers game on "Sesame Street" is unfortunately a powerful instance too. Indeed the instances are numerous and from the best and worst TV shows, which makes the problem difficult but not, I think, dismissable. Education and enlightenment by hypnosis? Is this the way to bring independence?

If a thousand bearded experts think it is I'll subside, but in the meantime I *don't* think it is. Hence, Proposal One: I propose that the FCC gather together a lofty panel to analyze TV's techniques for persuasion (or should I say possession?) and try to work pragmatically toward a system of assessing safe levels of hypnosis. My rationale? I would like to have somebody estimate for me, before I die, whether it is safer for me to receive thirty units of imagery from the tube per minute than to receive so and so many milligrams of mercury from my tunafish per lunch. Let the experts speak to this point, please.

Proposal Two is simpler, and may for all I know have been proposed, plotted and rejected a thousand times: let's persuade Consumers Union to go on the air and tell all.

The precedents for some such program are beginning to be with us. There was Ralph Nader's series on PBS, and now there is "The Great American Dream Machine" on the same network. Also, the fear on the commercial networks of mentioning brand names when something goes wrong with the brands seems to be diminishing. Frank Pollock the executive assistant to the director of Consumers Union reported recently to *The New Republic*'s Managing Editor some experiences CU had had in trying to publicize, on the tube, news about dangerous toys. I quote from the editor's report:

> In one instance Norris Kaplan, a CU official, had been invited to appear on a WABC (New York) program called the "AM Show." He'd been told in advance that he could identify the dangerous toys by name but when he got to the studio he saw that the toys he planned to display were covered with masking tape obscuring their names. The production crew cited "legal problems" and would not dispense with the tape until Kaplan threatened to walk out on the show just as it was about to begin. He was able to identify the toys and hence warn people of their dangers.
>
> WABC-TV, on a news program, ran an item about CU's attempts to get stronger enforcement of the Toy Safety Act, and an interview with a representative of Consumers Union, but omitted mention of the specific toys CU had found to be hazardous.
>
> "The Today Show," broadcast nationally on NBC, invited Mr. Kaplan to appear to discuss toy safety, but cancelled out when informed that he intended to single out brands. Subsequently the show's producers said the appearance had been cancelled because the subject had been so well covered elsewhere.
>
> Oddly enough CU had no such problems on other shows. The NBC Nightly News, WNBC News, NBC's Monitor, WCBS News, and WABC-FM all ran stories in which toy names were named.

I see no reason why CU's name-calling and analytical methods in its magazine could not be practiced with success and impunity on the tube. Perhaps the magazine procedure would need to be jazzed up (slightly); certainly there would be tedium connected with peering into fifty stoves, shall we say, and

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comparing, one by one, their lighting fixtures. There would also be an indexing problem: why should I be obliged to hear about nasal sprays for twenty minutes when my nose is all right, but I badly need help on pre-mixed dry martinis? But tedium and delay could be minimized by intelligent direction, and are at any rate minor frailties that TV already fears too much. If there is to be solid information there is to be tedium (my motto for the week).

With the consumer movement now approaching high tide, the tube should begin to play its part. And once again, the job would seem to fall to PBS. Some of the commercial people are getting braver, but not enough braver to take on the advertisers.

Sedulus

Correspondence

Judicare

Sirs:

Being one of the "small town lawyers" favoring a Judicare plan of legal aid to the poor touched upon by Peter Barnes in his article "Reagan versus the Poverty Lawyers" (January 23) may I suggest that programs which are necessarily geared to a densely populated ethnic area might not always best serve the needs of the poor in nonurban settings. The Neighborhood Legal Aid office concept with a full-time salaried staff of lawyers may be the only possible solution in a ghetto, but it does not follow that such limitations imposed by impersonal urban conditions should hobble the poor in smaller communities from receiving the best service possible to satisfy needs unlike those of the city-dweller. For example, in my community the poor are all white persons of small-town orientation whose community ties often go back many generations.

My experience with the OEO-funded legal service program covers the first three years of its operation in our area commencing in 1966 during which time I served as board member and vice president of our legal aid society under the full sponsorship of the local bar associations. Our salaried director and his staff were very enthusiastic and dedicated, but our experience showed that the usual staff attorney is a recent law school graduate in his first job who moves on to other work as soon as he has a little experience under his belt. The salaries for our lawyers were roughly about 40 percent of the total grant and the remaining 60 percent was for expenses such as rent, secretaries' salaries, etc., which would be called overhead items in a private law practice. During one period of time, the per capita cost of services to each indigent client was about $200, although the vast majority of these cases were disposed of in one office consultation and a referral out to the proper social agency. Let me hasten to add, however, that the types of cases coming to any legal aid office are beyond the control of the poverty lawyer and he *must* accept as a client any person who qualifies for legal assistance by indigency. Typically, about 60 percent of the cases coming into our office were for assistance in divorce and domestic relations matters, although not too much publicity has been given to this fact by OEO probably because proof of economic betterment resulting from divorce is very difficult.

By comparison, the Judicare concept has successfully functioned under OEO funding in a large multi-county area of northern Wisconsin during this same period. Under this plan the indigent client who qualifies selects and hires from his community a private participating attorney in whom he has confidence and who is reimbursed for only his time actually expended from funds provided by OEO. The participating lawyer pays all of his overhead expenses, like any other case, out of such fees. The only administrative costs are incurred by the central office in Madison, which initially served 26 rural counties, and these costs ran about 5 percent of the total grant. Each participating attorney's fees are discounted a little below prevailing rates, on the theory that the difference is the legal profession's traditional contribution to the less fortunate. There are fixed maximums paid per case, and a yearly maximum of $3000 per participating lawyer. From the beginning, the lawyer is "the client's man" by mutual personal choice, without the influence of guidelines and bureaucratic policies from above. The indigent client is not used as a pawn in a larger sociological chess game any more than a rich client would want to be so treated.

Leonard C. Battle
Midland, Michigan

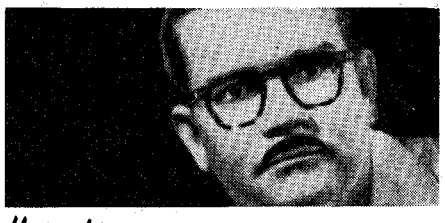
National Service

Sirs:

The "ingenious provision worked out by the Yale law group" which Rep. Jonathan Bingham has incorporated into his article "Replacing the Draft" (January 16) is really not so ingenious at all, and, quite the contrary, is at odds with the purported approach of the National Service program.

The objective of the program presumably is to enable young people to serve their country in other ways than armed services. That is itself an admirable goal. The article recites: "The objective should be to have as many as possible of the civilian enlistees working for private or public employers engaged in ongoing constructive activities, such as hospital and health services, education, public safety, and environmental protection."

The National Service concept certainly cannot be merely to produce manpower for such projects; manpower is available – witness the unemployed and those who would switch jobs to gain the high pay of the construction workers. Consequently it must be that



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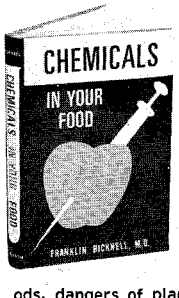

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the National Services proposal is to provide a *cheap* source of labor, so as to lower the overall cost of government projects and the like, and it is only in this manner that the program is to benefit the nation. If not, then what benefit can be had by creating a forced labor program where the savings created by using the forced labor, in lieu of labor paid the going rate, is used only to finance this program, as Representative Bingham states that the savings shall be used.

It is for this very reason that the "ingenious provision" should be left out, and employers should be given the cheap labor, with the proviso that they charge considerably less for constructing the project. Then the nation would benefit, but only if the program produces a saving (in the cost of projects) that is greater than the expense of administering the program of National Service. But if, as Representative Bingham writes, "the employer will pay the going rate for the service rendered, with the registrant receiving only the subsistence level pay, and the balance being retained by the federal government as a *partial offset to the cost of the program*" (italics mine), then the program is indeed a worthless and shameful forced labor scheme which costs more than it saves.

B. Arthur Sheridan
Schenectady, NY

In reply:

Mr. Sheridan has missed the point of the National Service Act. The purpose is not, as Mr. Sheridan suggests, "to provide a cheap source of labor, so as to lower the overall cost of government projects and the like. . . ." Rather, the National Service Act will provide manpower to meet needs for which today there are no existing programs or available manpower "and, in so doing, also provide a nonmilitary means for a young man to fulfill his military obligation."

Mr. Sheridan goes too far in suggesting that civilian service would be "a forced labor program." Conscientious objectors now perform alternate service as a means of fulfilling their military commitment. The National Service Act would merely extend this opportunity and make alternate service available to any young man without having to justify his beliefs to his draft board.

The provision that employers of civilian service registrants should pay the "going rate" was included to ensure that employers would not seek out civilian service registrants in preference to other job applicants, thus undercutting the labor market.

Jonathan B. Bingham
House of Representatives

Airline Fares

Sirs:

Your January 9 edition contained an article by Reuben Robertson III ("Fasten Your Seatbelts") about the financial crisis now facing the airline industry. This article was inaccurate and misleading on a number of points.

Mr. Robertson's basic complaint was that the airlines' recent pleas for higher fares are totally unjustified and that the industry should be lowering prices, not raising them. He is apparently unaware of the fact that airline fares, even taking into account recent selective fare increases, are now actually lower than they were ten years ago. Throughout the 1960s the industry introduced many promotional and discount fares and now almost one-half of all airline passengers fly on some kind of discount fare. These fares were initiated by the airlines themselves. Certainly there are not many industries that can claim to charge less for their product than they did ten years ago – especially for a product that has improved dramatically in quality.

This remarkable record was made possible by the efficiency of the jet engine. But the airlines are now almost completely jet-equipped and cannot offset what is now a better than eight percent inflation rate, almost twice the national average, by replacing piston with jet aircraft.

There is only so much an airline can do to combat rapidly rising labor, fuel, airport and other costs – such as reducing operations to cut costs and raising fares to reasonable levels. The industry is now in the process of cutting back flights and reducing air service to many communities across the country. For example, this past December there were five percent fewer flights scheduled in domestic operations than there were in December, 1969. Another kind of cut that is taking place is in passenger services – many of the extras to which airline passengers have become accustomed are now on their way out.

As the airlines cut service, they also cut employees. As of the end of last year, they had furloughed about 12,000 employees and more cuts are taking place now.

Despite these cost reduction measures, the industry has just come out of the worst financial year in its history – estimates of industry losses in 1970 go as high as $150 million. For the 12 months ended September 30, 1970, the industry had a rate of return on investment of 2.3 percent. The Civil Aeronautics Board has set 10.5 percent as a reasonable rate of return for the industry but so far it has only achieved this twice – in 1965 and 1966, and the prospects for achieving it again in the near future are very slim, indeed.

In light of these factors – fares that

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are lower than 10 years ago, an industry inflation rate of over eight percent and mounting losses – an immediate fare increase for the airline industry is not only justified but absolutely essential.

S. G. Tipton
President, Air Transport Assn.
Washington, DC

In reply:

As almost any experienced air traveller knows, Mr. Tipton's contention that airline fares are lower now than ten years ago isn't true. For example:

		January 1961	January 1971
Chicago-New York	FC	$ 51.30	$ 66.67
	T	38.30	51.85
New York-Los Angeles	FC	171.45	178.30
	T	128.60	142.59
Chicago-St. Louis	FC	19.75	34.26
	T	16.65	26.85

What is true is that a few, very few, selective fares are cheaper today. Moreover, his inflationary cost argument is misleading, as examination of operating cost statistics furnished to the CAB by the airlines he represents, shows. The airlines, having gotten themselves into their present impasse with Washington's cooperation, will get themselves (and the country) in deeper with Mr. Tipton's fare-increase solution. See "Flying the American Way," page 19.

The Editors

Free Who?

Sirs:

Your editorial, "Free Who?" (*NR*, January 16, 1971), brings to mind the career of Alexander Dunlop Lindsay (1879-1952), whose *The Modern Democratic State* you cite with reference to the point that there are, perhaps, no especial revolutionary paradigms appropriate for American consumption. Master of Balliol College, Oxford 1924-49, Lindsay was a most ardent spokesman for the democratic spirit at a time when the lights of Europe were going out for a second time in the twentieth century. Democracy was for him a theory of society and not a theory of government. As such, Lindsay argued, democracy does not suggest that all men are equal in their capacities, physical, intellectual, or moral; but "that they all count." This faith spawned a democratic government and not the reverse.

"Free You" is, indeed, a provocative slogan. What does it portend within a democratic paradigm of society? In one of a series of lectures broadcast in the BBC Empire program in 1940, collectively entitled, "I believe in Democracy," Lindsay recommended an answer: "The fundamental answer . . . is that democracy is a heroic faith because it believes that, given a chance, men do greater things under the inspiration of freedom than under compulsion: that there is a reservoir of courage and enterprise . . . in ordinary men and women when we take the trouble to release it. . . ." Hopefully this dictum is not empty rhetoric in the post-industrial society.

Malcolm B. Campbell
Bowling Green, Ohio

Kauffmann, *from page 24*

whether he actually kills the boy or not.) He gets away with the assault and, back in London, gets away with some business assault.

The violence, both the sublimated and the explicit, is used in somewhat pat contrasts, but it's quite effective, because of the underlying truth and because of Williamson's performance. The dialogue is banal, the climaxes are all painfully carpentered, and Gold's direction is one more scavenging job on the garbage-dump of cinema chic. Still the picture doesn't bore, mostly because of Williamson. I wish that Filmland would stop using him as an irresistible and untiring phallus because when he really gets a chance to act, he is superb. There's a scene where he goes upstairs in the old family home to see his ailing father, finds him dead, and spends a few minutes by the bedside. It was clearly arranged as a *tour de force* for Williamson, but he's so powerful that he transmutes it into art.

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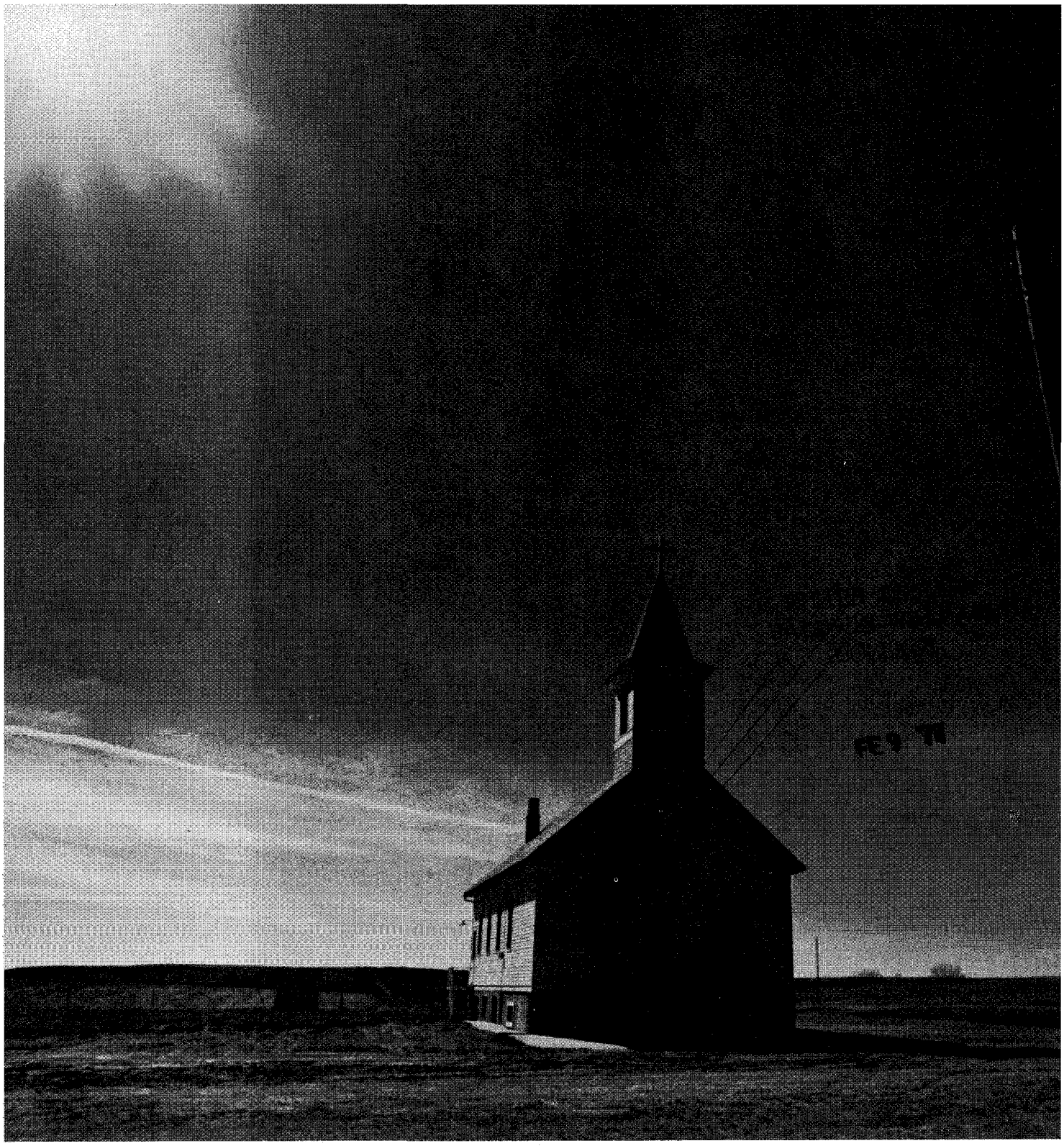

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